

# **UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**OBSERVING HUMAN RIGHTS AND PEACE SUPPORT OPERATIONS IN  
AFRICA: THE CASE OF AFRICAN UNION MISSION (AMISOM) IN  
SOMALIA.**

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Award of Degree of Master of Arts in International Studies, Institute of Diplomacy  
and International Studies, University of Nairobi.**

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## DECLARATION

This research project is my original work and has not been submitted for any award in any other University.

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## **DEDICATION**

To My Eternal Friend and Husband: Late Hon. Dr. James A. S. Mutende. In memory of your humility, love, support, care and inspiration that has brought me this far. Ever present and visible in our lives. To James Junior Wanyoto-Mutende and Lindi Wanyoto - Mutende: My pillars at every step and moment of my struggles and Journey.

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## LIST OF ACRONYMS

<b>AMISOM</b>	African Union Mission in Somalia
<b>ANSF</b>	Afghanistan National Security Forces
<b>AU</b>	African Union
<b>CSOs</b>	Civil Society Organization
<b>DRC</b>	Democratic Republic of Congo
<b>ECOWAS</b>	Economic Communities of West African States
<b>FGS</b>	Federal Government of Somalia
<b>IEDs</b>	Improvised Explosive Devices
<b>IGAD</b>	Intergovernmental Authority on Development
<b>IIDA</b>	Women Development Organization
<b>MSF</b>	Medical Sans Frontiers
<b>NISA</b>	National Intelligence and Security Agency
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>PHRN</b>	Peace and Human Rights Network
<b>PSO</b>	Peace Support Operations
<b>RDC</b>	Reconciliation and Dialogue Centre
<b>SOCDA</b>	Somali Organization for Community Development Activities
<b>SPSS</b>	Statistical Package for Social Sciences
<b>SSWC</b>	Save Somali Women and Children
<b>TCCs</b>	Troop Contributing Countries
<b>TFG</b>	Transitional Federal Government
<b>UDHR</b>	Universal Declaration on Human Rights
<b>UNHCR</b>	United Nations High Commission for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNSOM</b>	United Nations Assistance Mission in Somalia



## ABSTRACT

This study looked at the observance of human rights and peace support operations in Africa, a case study of AMISOM in Somalia. The study acknowledges that there are challenges that are faced when trying to observe human rights in peace operations in Somalia. There is a lot of empirical evidence drawn from the AMISOM peace operations in DR Congo, South Sudan, and many countries in the developing countries. The study aimed to answer the following questions: 1) what mechanisms / instruments are in place to support human rights in Somalia? 2) what is the status of human rights in Somalia? and 3) What strategies have been adopted in observing Human Rights in Somalia?

The study set out two hypotheses namely that Poor implementation of mechanisms for observance of human rights increases violation of human rights in Somalia and Human rights in Somalia are violated by the entities that are mandated with protecting them. The case study design was used to generalize the situation in the Horn of Africa. Random sampling was employed in selecting the respondents. This consisted the residents in Somalia regions where peace operations have been taking place. Key informants included staff working with AMISOM, civil society organizations, transitional government of Somalia, and Human rights watch. Semi structured questionnaires were filled online by the key respondents. Translators were used for the community members who did not understand English. The data was then analyzed by use of excel.

The findings revealed that the commonly violated human rights were right to dignity, freedoms of movement and expression, right to life and displacement. While Al-Shabaab and Warlords were blamed to be the root cause of violation of human rights, those responsible for protecting human rights were highly blamed for violating them. These included the AMISOM, Transitional government of Somalia and the NGOs operating in Somalia. Various challenges to observing human rights were identified: weak institutions, poor implementation mechanisms, lawlessness, lack of or poor government structures, lack of human resource capacity and poverty.

The study recommends that the existing mechanisms / instruments of protecting human rights should be reviewed so that those found culprit of violating human rights can be prosecuted. There is need to sensitize communities in Somalia about their human rights and where and how they should report cases of human rights violation.

## CHAPTER ONE

### GENERAL INTRODUCTION TO THE STUDY

#### 1.1 Introduction

Observing human rights in peace support operations is increasingly becoming an issue of concern in many international and local conflicts. The most affected countries are those with weak institutional environments where the civilians are always at risk, especially in times of conflict. In the fragile states affected by conflicts, there is violation of human rights such as right to personal security, right to life, right to dignity and violation of a number of other rights.<sup>1</sup> Violation of human rights can also be as a result of a state not being able to meet the basic needs of its people. This study aims to look in to how human rights are violated in conflict situations, the impacts of human rights violation and the mechanisms that are in place to help observe of human rights. Although the violation of human rights is widespread in conflict situations and fragile states<sup>2</sup>, there is a debate on who violates these rights and what instruments are in place to help people uphold human rights.

Due to the continuation of violation of human rights in these states, the international community continues to explore ways of improving the performance of peace support operations to ensure that human rights are respected. In this regard, there are various approaches that can be adopted. A rights-based approach is useful in identifying the functions to be given to each actor in peace building and upholding human rights. The rights-based approach, recommends that the state has the role of realizing the

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<sup>1</sup>Lockhart, Clare. "Protecting rights in conflict situations and fragile states." *Human Rights and Poverty Reduction* , 2005: 1-9.

<sup>2</sup> A 'rights based approach to development', according to OHCHR, is a conceptual framework for the process of human development which is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

rights of each citizen. Citizenship is an approach whereby the state recovers the ability of its citizen's after the conflicts. In this approach, a state has to bear the responsibility of implementing its policies.

Observing human rights forms the foundation of people freedom, justice for all and above all, peace. Disregard of human rights has led to barbarous acts that outrages the conscience of mankind. It has also made it uncomfortable for human beings to enjoy the freedom of speech for fear. Whereas it is not easy to rebel against oppression, the rule of law protects human rights.<sup>3</sup>

The UN General Assembly has proclaimed a mechanism known as the Universal Declaration of Human rights) (UDHR) so that there is a common standard for people of member states to observe human rights. The declaration has six articles which explain the types of human rights that should not be violated.<sup>4</sup>The declaration of human rights was issued in 1948. Sixty years later, human rights advocates have agreed that this is still a dream more than a reality.<sup>5</sup> In over 81 countries, people are still being abused and tortured; in over 54 countries, there are reported cases of unfair trials whereas in other countries, people are not given the freedom of expression.<sup>6</sup> Women and children in these countries are marginalized, the media is not free and the dissenters are silenced. Therefore, human rights violations are still a big plaque in the world

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<sup>3</sup>UNHCR. *UNHCR Somalia Briefing Sheet*. UNHCR, 2011. "Universal Declaration of human rights." June 2006.

[http://www.icnl.org/research/library/files/Transnational/UNIVERSAL\\_DECLARATION\\_OF\\_HUMAN\\_RIGHTS.pdf](http://www.icnl.org/research/library/files/Transnational/UNIVERSAL_DECLARATION_OF_HUMAN_RIGHTS.pdf).

<sup>4</sup>United for Human Rights. "Human Rights Violations." *United for Human Rights*. 2017. <http://www.humanrights.com/what-are-human-rights/violations-of-human-rights/democracy.html>.

<sup>5</sup>United for Human Rights. "Human Rights Violations." *United for Human Rights*. 2017. <http://www.humanrights.com/what-are-human-rights/violations-of-human-rights/democracy.html>.

<sup>6</sup>Amnesty International. *The State of the World's Human Rights*. London: Amnesty International, 2017.

According to the UDHR, every human being has a right to liberty, life and security. These rights have been violated. In 2007, over 6,000 people died as a result of armed conflicts experienced in Afghanistan. Most of these deaths were of civilians in the hands of insurgents. Many other civilians were killed in suicidal attacks by armed militia groups. In 2007 the police in Brazil killed close to 1260 individuals. These killings received little investigation. Authorities in Vietnam forced prostitutes and drug addicts in over populated rehab centers. This posed the detainees at a very high risk of contracting STIs. No detainee was offered treatment.<sup>7</sup>

In Afghanistan in 2016 thousands of innocent people were killed and injured during insurgent suicides and attacks by ISIS. The illegal militias in Afghanistan are responsible for assaults and killing of civilians. The Afghanistan National Security Forces (ANSF) are also responsible for casualties caused by indiscriminate aerial attacks. There is a lot of abuse and insecurity for the civilians in Afghanistan.

In Africa, there have been a lot of conflicts in the governments. The conflicts are so perennial such that they have become structural in some of the countries. Conflicts are spreading like wildfire in Africa continent.<sup>8</sup> Some of the sources of conflicts in Africa are ethnicity tribalism, resource sharing and many more. Ethnic identity is not all about culture, language and religion but a perception of absolute phenomena as perceived by families. The ethnic factor is a big issue in the horn of Africa. It is exploited and manipulated by those promoting conflicts.<sup>9</sup> Abdi (2010) posits that conflicts arise as a result of groups of individuals that have different values, interests and needs and also

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<sup>7</sup>Human Rights Watch. *The power these men have over us*. New York: Human Rights Watch, 2017.

<sup>8</sup>Abdi, Mohamed M. *Conflict resolution and nation-building in Somalia*. PhD Dissertation. paper 192, ETD Collection for AUC Robert W. Woodruff Library, 2010.

<sup>9</sup>Adedeji, Adebayo. *Comprehending and Mastering African Conflicts. The Search for Sustainable Peace and Good Governance*. London and New York: Zed Books, 1999.

when resources are scarce. Since 2013 South Sudan has been undergoing a civil war. Thousands of civilians have lost their lives, others got displaced. Even with the intervention of the UNHCR, the situation is still uncontrolled.<sup>10</sup> Ethiopia has been a peaceful nation. Its last conflicts were the Eritrean-Ethiopia border conflict experienced in 2010. Djibouti has been relatively safe with no serious conflicts reported since 2008.

In Kenya, respects for human rights have remained precarious. The authorities have failed to adequately investigate many civilian abuses across the country. This has denied Kenyans basic human rights such as freedom of expression and association. The Human rights activists and journalists that work on these issues have faced increased obstacles and harassment. In June 2016, a Human Rights lawyer together with his client and their taxi driver were brutally murdered. This shows the risks that Human Rights defenders face when pushing for accountability. Currently, there are over 100 cases of extra judicial killings in Nairobi and enforced disappearing of those linked with Al-Shabaab. Since 2013, the commission for Administrative Justice in Kenya has received over 25,000 reports on killings by police across the country. In 2007/08, Kenya experienced armed conflicts where over 2000 people died. Thousands were displaced whereas hundreds of women and girls were raped and detained.<sup>11</sup>

According to the Human Rights Watch<sup>12</sup>, the civilians in Somalia have continued to suffer serious human rights abuses. This has happened even as the new Somali government is trying to extend their control beyond Mogadishu and other key towns in

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<sup>10</sup>Global Security.org. *Sudan Civil War*. Global Security, 2016.

<sup>11</sup>Ikejiaku, Brian Vincent, and Jubril Dauda. "African Union, Conflict, and Conflict Resolution in Africa: A Comparative Analysis of the Recent Kenya and Zimbabwe Conflicts." *International Journal of Development and Conflict*, 2011.

<sup>12</sup>Human Rights Watch. *World Report 2014: The Events of 2013 in Somalia*. New York: Human Rights Watch, 2014.

Somalia. Parties of armed conflict are the ones responsible for the serious violations of the international human rights. The human rights abuses suffered by the Somalis are indiscriminate attacks, arbitrary arrests, abduction, holding people hostage, sexual violence and detention.

Al-Shabaab is an armed Islamic group that has taken control of Southern Somalia. The group attacks civilian locals in Mogadishu such as the UN compound, the courthouse, social gatherings and other recovered area settlements such as hotels prayer places. This has resulted in mass killings of people. We also have the groups that have been mandated with fighting the Al-Shabaab. These groups include the Somali government armed forces, Ethiopian government troops, the African Union Mission in Somalia (AMISOM) and other allied militia. These groups have been alleged to have committed abuses to the people of Somalia.<sup>13</sup>

## **1.2 Statement of the Research Problem**

Every person in the world has basic freedoms and rights which apply right from birth to death. Human rights and freedoms apply to every person despite what they believe in and their way of life. However, human rights and freedom can be limited but no one can take them away from you. Basic rights and freedom are based on fairness, dignity, respect, equality and independence. In the current world that is ravaged by conflict, these basic freedoms and rights are bound to be trampled upon by Governments, Belligerents, Non-Governmental Organizations and individual persons. Despite documentation and endorsement of the universally accepted human rights, breakings of the rules continue to increase. These are the rules that govern social order.

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<sup>13</sup>U.S Department of State. "Bureau of Democracy, Human Rights and Labor." 2010 Country Reports on Human Rights Practices, 2011.

In the case of the Federal Republic of Somalia, there have been prevalent allegations of violation of human rights by the Al-Shabaab militants, the FGS, the AMISOM troops, international Organizations operating in Somalia and many other Actors operating within Somalia. Various international and National Non-Governmental organizations (NGOs) which monitor the status of human rights upholding have given damning reports on how human rights have been continuously violated in Somalia. Al-Shabaab militant group has been accused of killing civilians in Suicide attacks, forceful recruitment of the population to their ranks, sexual abuse of the vulnerable population, and forceful displacement of civilians from their settlements and environmental degradation. Moreover, the AMISOM troops equally have been accused of sexual exploitation and environmental degradation among others. The international and national actors have also been accused of environmental degradation among other accusations. This study therefore aims at looking in to the human rights violations and the challenges faced in upholding human rights so as to come up with recommendations that will aid policy makers to revert this trend.

### **1.3 Research Objectives**

The purpose of this research project was to determine the challenges in observing human rights during peace support operations in armed conflicts; the case of Somalia. The Specific objectives were:

- 1.3.1 To review the mechanisms / instrument son human rights in Somalia.
- 1.3.2 To examine human rights violations in Somalia.
- 1.3.3 To examine the strategies adopted in observing Human Rights in Somalia.

1.3.4 To examine the challenges encountered in observing human rights while undertaking peace support operations.

## **1.4 Research Questions**

1.4.1 What mechanisms / instruments are in place to support human rights in Somalia?

1.4.2 What is the status of human rights violation in Somalia?

1.4.3 What strategies have been adopted in observing Human Rights in Somalia?

1.4.4 What makes it difficult to observe human rights during peace support operations?

## **1.5 Hypothesis**

**1.5.1** H0: Poor implementation of mechanisms for observance of human rights increases violation of human rights in Somalia.

H1: Poor implementation of mechanisms for observance of human rights has got no effects on the observance of human rights in Somalia.

## **1.6 Justification and of the Study**

### **1.6.1 Academic Justification**

This study looks at human rights, peace and security. The findings of this research will thus be used as a basis for future research since it endeavoured to fill the knowledge gap brought out in the problem statement. It brings out the challenges that have been face in observing human rights during peace support operations in Somalia. The case study is a good prove of what has been happening in other countries where peace support operations have been carried out by the United Nations.

The findings are invaluable to researchers and scholars. The findings add value to the already existing literature and will provide a framework for further research by the



researchers and scholars. The study gives a better understanding on the challenges faced in observing human rights during peace support operations in Somalia.

### **1.6.2 Policy Justification**

The study sought to pinpoint the challenges that are faced in observing human rights during peace support operations. The findings and recommendations of the study will be used by policy makers such as the FGS Ministry of Defence, TCCs, PCCs and the Federal Government of Somalia and other stakeholders in developing guidelines, putting necessary institutions in place and other human rights protection infrastructure that will enhance human rights protection.<sup>14</sup> The research will be important to the troops deployed in Somalia with regard to enhancing their knowledge and observance of human rights protection.

To the general public, the research will give them an insight towards the nature of their human rights. The research will also aid the actors in the PSO in Somalia in developing better mechanisms for enforcement and accountability in observance of human rights in Somalia.<sup>15</sup> The recommendations of the study provide suggestions for addressing the challenges faced in observing human rights in PSO.

### **1.7 Conceptual Framework**

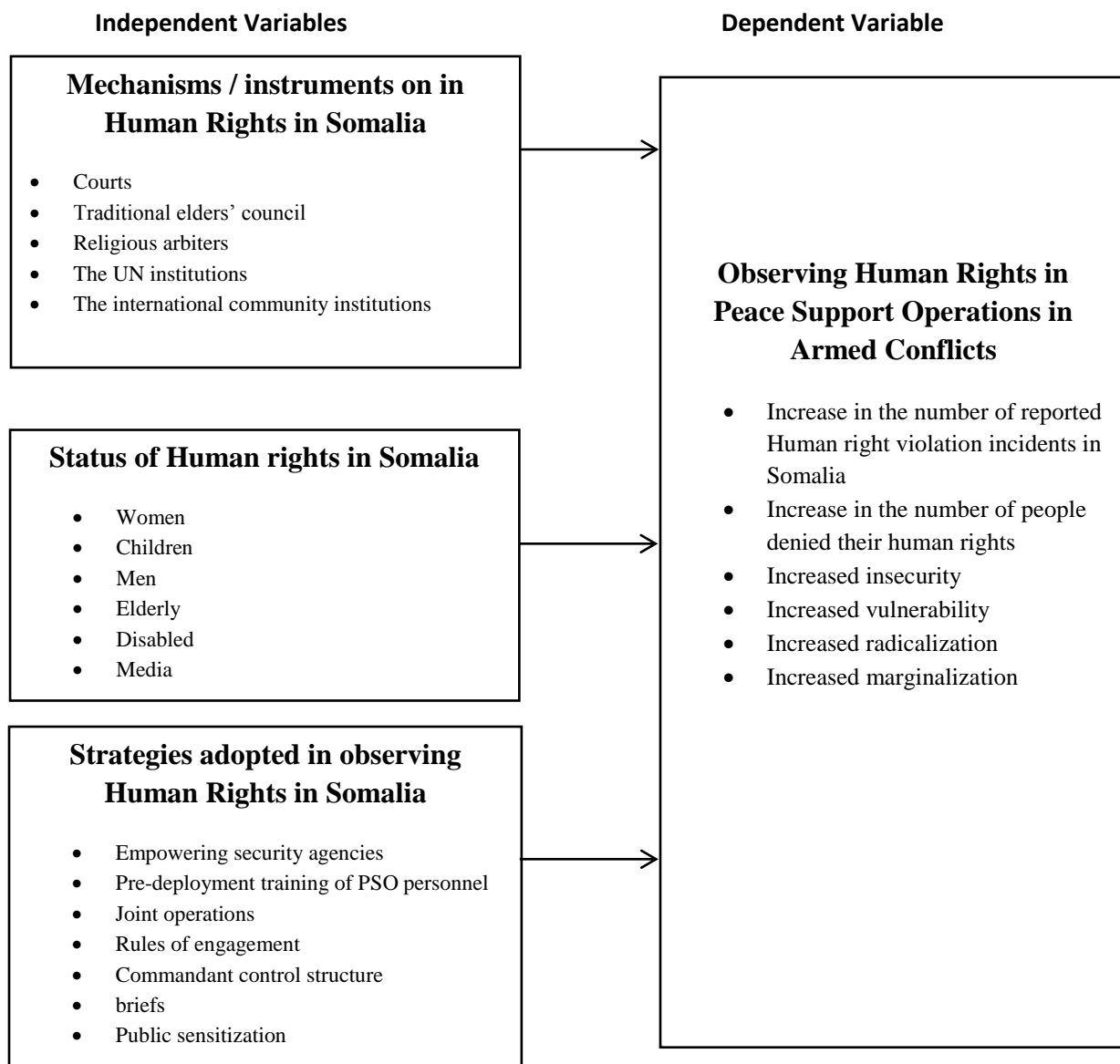
The conceptual framework illustrates the interrelationships in the study, the key variables involved and how they are interrelated. The study examines three independent variables which affect observance of human rights in one way or another. The independent

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<sup>14</sup>Murithi, Tim. "The African Union's evolving role in peace operations: The African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia." *African Security Studies* 17, no. 1 (2008): 69-82.

<sup>15</sup>Rorty, Richard. "Human rights, rationality, and sentimentality." *Wronging Rights? Philosophical Challenges for Human Rights* (1993): 1-34.

variables are Mechanisms of observing human rights in Somalia, Human rights violation in Somalia, Strategies adopted in observing human rights in Somalia. Each of these variables has sub-variables that have been used to build the discussion on how they contribute towards challenges in observing human rights in peace support operations in armed conflicts in Somalia.



*Fig 1: The Conceptual framework. Source: Author, 2018*

## **1.8 Research Methodology**

### **1.8.1 Research Design**

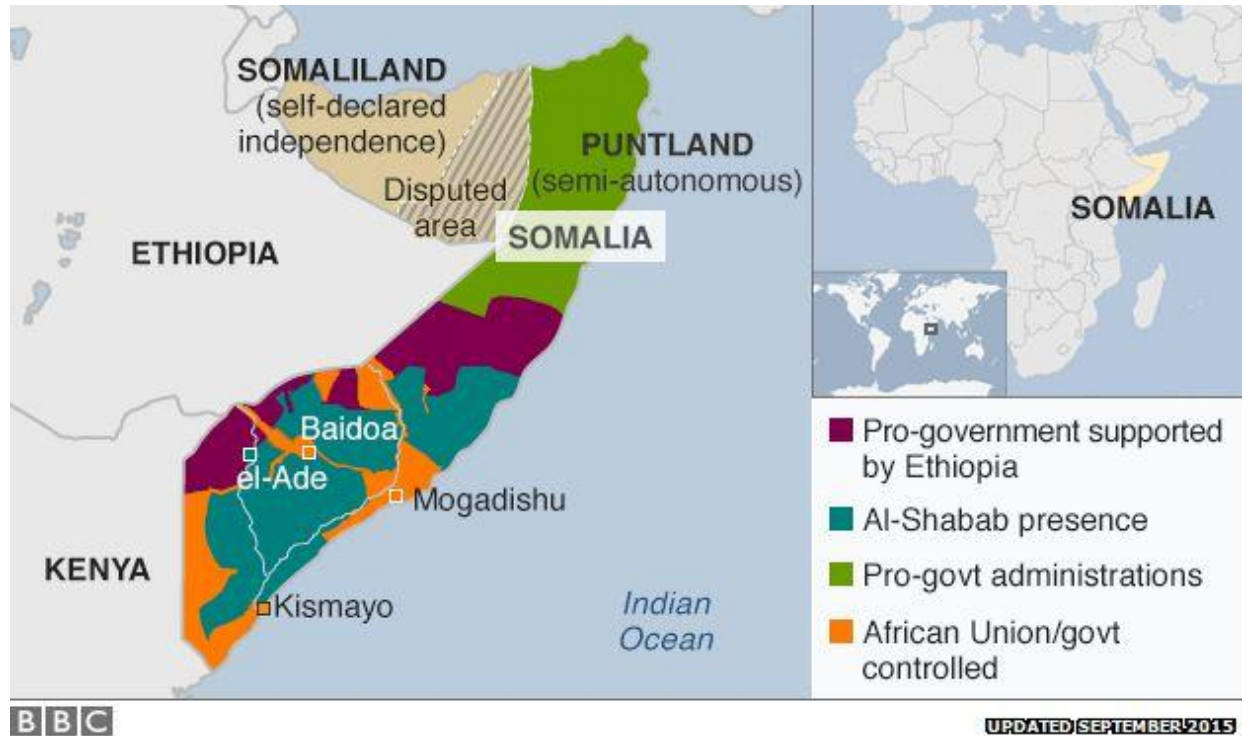
Case study was the major research design for this study. The case study was conflict areas of Somalia and how human rights are violated. A case study is preferred due to various advantages. It allows the researcher to examine a certain area and use the findings used to appreciate the nature of the conflict. The findings can be used to generalize situations in other countries that have a similar experience as Somalia. The case of Somalia will be used to generalize the situation in Africa. Its potential scope is broad and flexible. A genesis of ideas can be well presented and give an account of what happened. You can be able to collect different types of information. It is easy to explore ideas and construct theories. Case studies can however be used in single projects and use qualitative means of acquiring data.<sup>16</sup>

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<sup>16</sup>Kothari, CR. *Research Methodology: Methods and Techniques*. Delhi: New Age International, 2004.

### 1.8.2 Study Area

The study was conducted in the Somalia, where the Peace Support Operations are undertaken.



*Figure 1: Stakeholders Controlling Administration in Somalia. Source Internet maps*

### 1.8.3 Population of the Study and Sample Size

The population for this study included selected number of human rights groups, Non-governmental organizations, Federal Government of Somalia officials and other actors like the International community engaged in Somalia who will constitute key informants. The respondents (interviewees) in these organizations were selected purposively. Those that had a practical experience of human rights violation in Somalia.

The population of the people facing Human rights abuse in Somalia is unknown. Given the situation, the sample size was derived by computing the minimum sample size at 95% confidence level (1.96), a response choice of 50%=0.5 and confidence interval at

(0.05 =  $\pm 5$ ). By applying this formula, the sample size was over 300. However, based on statistical issues and resources available, we went for the minimum accepted sample size which is 100 respondents. These are the people that have either observed human rights violation or have witnessed in Somalia. These were the people that were already working and living in Somalia and also the locals of Somalia. The estimated response rate was low considering that the study was studying in Kenya and the research theme targeted Somalia.

#### **1.8.4 Data Collection**

Data collection relied on both secondary and primary sources of data to examine and analyze the role of and manner in which institutional frameworks and coordination mechanisms will be used to secure international human rights in armed conflicts.

The secondary data was sourced by reviewing data in the library. The source of information from the library were hand books and textbooks on peace, security and human rights, and journal articles on the same. Desktop literature search was necessitated by the internet to visit the sites with the relevant on line materials such as journal articles and textbooks.

The primary data was collected by use of structured questionnaire. The questionnaire was designed such that the interviewee had some guidelines on answering the questions. There were however other sections of the questionnaire that were left open for the interviewee to suit some specific content as required by the question. The questionnaires were sent via emails to the key informants whereas the rest were administered by data collection enumerators. This was done for those questionnaires administered to the local Somali population. The data collection enumerators

(interviewers) and the entire field personnel were trained. The questionnaires were first piloted to test validity and consistency. After testing, the questionnaires were sent to the respondents for filling. A total of one hundred questionnaires were filled.

### **1.8.5 Data Analysis and Presentation**

The collected data was coded and analyzed using SPSS. Thematic analysis was done based on the emerging issues under study. Results were presented in form of charts, tables and graphs to allow readers to assess whether or not the interpretation was supported by the data.

### **1.9 Scope and Limitations of the Study**

This study was limited to the Somalia peace support operations setup. The study focused on the ten years (2007-2017) of PSO in Somalia. The study was limited to interviews of key informants on the Somalia PSO and also data will be collected using structured questionnaires that were administered to various actors as represented in the Somalia PSO theatre.

The limitations faced during the study were the confidence of telling sensitive issues of how one's rights were violated. Other people failed to respond to the questionnaire fearing for their lives while others had language barrier, especially the local Somali community. Based on the fact that the scholar was based in Nairobi, there might be challenges of sourcing and submitting the questionnaires to respondents based in Somalia and especially the local community which is very key in this study.

## **1.10 The Organization of the Study**

Chapter one composed of an introduction to the study by explaining the background of the study, statement of the problem, justification, conceptual framework, literature review, study objectives, research questions, hypotheses and methodology. Chapter two discusses the mechanisms / instruments that Somalia uses in observing human rights. It will look in to detail, the instruments such as the International declaration of human rights, the role of religion and traditional elders, Non-governmental organizations, regional and sub-regional organizations and the Somali government in building peace and observing human rights in Somalia. It will also look at the various challenges that make it difficult to follow the instruments.

Chapter three delves in to the human rights abuse in Somalia. It will look at sexual abuse and exploitation in Somalia. It will give practical examples of where this has happened. It will also cover children abuse, displacement of people due to conflicts and also attacks on the media that intend to document and report incidences of human rights. It will also show how human rights activists are abused and tortured. Chapter four looks at the strategies adopted in observing human rights in Somalia. It will look at strategies such as pre-deployment training, joint operations and capacity building and development. It also evaluates the various changes that are faced in observing human rights in line with the adopted strategies.



## CHAPTER TWO

### THE MECHANISMS ON HUMAN RIGHTS IN SOMALIA

#### 2.1 Introduction

There are various internationally recognized instruments for upholding human rights in the world. The European Convention on Human Rights was adopted in 1950. Adoption of the American Convention on Human Rights in 1967 elaborated regional standards. In 1981, the African Charter on Human rights was adopted.<sup>17</sup> There is the UDHR that outlines the different types of human rights that ought to be respected. There are other mechanisms such as religious leaders, clan elders, NGOs and the Federal government of Somalia. These mechanisms are rendered to protect political, economic, civil, social and cultural rights of humans.

According to the tenets of international human rights, the existence of humanity need to be protected and preserved in inherent, inalienable and universal rights.<sup>18</sup> All the international human rights instruments have documented the dos and don'ts when it comes to upholding human rights. The human rights documentations cover cultural, political, socio economic and environmental human rights. When these rights are not observed, the state violating them should be held accountable.<sup>19</sup>

An individual right is a political idea that draws on natural law. The modern manifestation of this has been drawn by John Locke who articulated America

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<sup>17</sup>Office of the High Commissioner for Human Rights in Cooperation with the International Bar Association. "Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers." (2003): 683-85.

<sup>18</sup>Donnelly, Jack. *Universal Human Rights in theory and practice*. Cornell University, 2013.

<sup>19</sup>Steiner, J Henry, Alston Philip, and Goodman Ryan. *International human rights in context: law, politics, morals: text and materials*. USA: Oxford University Press, 2008.

declarations and French declarations to the right of a man and those of citizens as per the constitution of their country. Locke advocates for the right to life, health and property.<sup>20</sup>

The German Philosopher, Immanuel Kant (1724-1804) is acknowledged for having laid the foundation for today's human rights as the ethical practices towards recognition of fundamental human dignity, freedom and justice. His argument was simple; do unto others what you would like them to do unto you. He held the view that humans should be treated with justice. Humanity is autonomous with freedoms and morals. At times, people recognize their responsibilities and empowerment to the extent that human rights are distinct from civil rights.<sup>21</sup> This chapter gives a presentation of the major mechanisms relevant in Somalia.

## **2.2 The Universal Declaration of Human Rights (UDHR)**

The UDHR has six articles that show human rights that ought to be respected.<sup>22</sup> The situation is not true throughout the world. Article 3 gives humans the right to live free. This right has been violated. In 2007, Over 6,000 civilians were killed in armed conflicts in Afghanistan.<sup>23</sup> Thousands of civilians were killed during ground and aerial offensive by US and Afghanistan forces against the Taliban insurgents.<sup>24</sup>

Article 4 states that there should be no slavery to humans. Slavery and all its forms should be prohibited. The Lord's Resistance Army in Northern Uganda has kidnapped thousands of children for the last twenty years and converted them to soldiers

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<sup>20</sup>Locke, John, and Peter H Nidditch. *The Clarendon edition of the works of John Locke: An Essay Concerning Human Understanding*. 1979.

<sup>21</sup>Kant, Immanuel. *The Metaphysics of Morals*. Cambridge University Press, 1996.

<sup>22</sup>United Nations General Assembly. *Universal Declaration of Human rights*. 1948.

<sup>23</sup>Project Ploughshares. "Armed Conflicts Report- Afghanistan." Canada, 2009.

<sup>24</sup>Boston Globe Media Partners. "Reports suggest dozens of civilians killed in US strikes in Afghanistan." *Washington Post*, November 6, 2017.

and sexual slaves.<sup>25</sup> In Guinea –Bissau, children are trafficked to work in the cotton fields of Senegal. Over 60,000 children have been trafficked from Philippines and are now working as prostitutes in Japan and Asia.<sup>26</sup> Article 5 states that no human should be subjected to any form of torture or a degrading treatment. In the Democratic Republic of Congo (DRC) human torture and mistreatment are evident as reported by various stakeholders. These are committed by armed groups and the government security forces. The torture includes beatings, murders, stabbings and rapes including detaining people in secret sites. In 2007, the special services police division of Congo detained and tortured those accused of criticizing the government.

Article 13 gives humans the right of freedom to movement and residence. This means that you can leave in any country and return to yours. The Kenyan authorities violated this right by closing their border to thousands of civilians that were fleeing from armed conflicts in Somalia. Those seeking asylum were detained illegally at the Kenya-Somalia border and forcibly returned to Somalia without any charge or trial. Article 18 gives humans the right to freedom of thought, conscience and religion. Humans have the freedom to change their religion or belief in certain practices, teachings or worship. In China, the practitioners of Falun Gong were tortured and abused while in detention.<sup>27</sup>

As per article 19, everyone has freedom of expression and opinion. Everyone should hold their opinions without interference. In southern Sudan, there has been an

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<sup>25</sup>Allen, Tim, and Koen Vlassenroot. *The Lord's Resistance Army: Myth and Reality*. Zed Books, 2010.

<sup>26</sup>Bryant, John. "Children of International Migrants in Indonesia, Thailand, and the Philippines: A review of evidence and policies." 2005.

<sup>27</sup>Leavy, Mark J. "Discrediting Human Rights Abuse as an Act of State: A Case Study on the Repression of the Falun Gong in China and Commentary on International Human Rights Law in US Courts." *Rutgers LJ* (Rutgers LJ 35), 2003.

incidence of Human Rights defenders being arrested and tortured by security forces.<sup>28</sup> Human Rights defenders were imprisoned in Ethiopia for three years while a human rights defender was murdered in Somalia. Article 21 gives everyone the right to democracy. This means that they can take part in their government and freely access public services offered in their country. In Kenya, dozens of Peaceful demonstrators were killed between August and October 2017. The killings and torture with impunity were carried out by the security forces.

All the human rights are all embodied in the UDHR. They are also documented in the International Human Rights law. Many nations recognize them in principle while in other nations; it forms the heart of their constitution. However, the real situation in the world is far from what is envisioned in the UDHR.<sup>29</sup> Every day, there are thousands of reported cases of human rights violation in the world.

### **2.3 Religious Leaders and Clan Elders**

It has been noted that some of the conflicts happening in the world have been influenced by religious affiliations and ethnic ties. As observed from various deadly conflicts occurring throughout the world, religion plays a very great role in human rights disputes. Religion is the main factor that has been used to influence conflicts and also to hinder conflict management efforts. It has been observed that the conflicts that are influenced by religion are very difficult to manage. This is because religious conflicts are ideological and difficult to manage militarily. This is evidenced by the manner in which these conflicts are escalating and becoming difficult to manage. As much as religion influences

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<sup>28</sup>Sudan Organization Against Torture. "Arbitrary arrest and detention of Human rights Defenders." July 09, 2006. [www.sudantribune.com/spip.php?article16591](http://www.sudantribune.com/spip.php?article16591).

<sup>29</sup>Roth, Kenneth. *The Dangerous Rise of Populism: Global attacks on human rights values*. World Report 2017, New York: Human Rights Watch, 2017.

conflicts, it is also used in reconciling conflicts. There is no religion that favors conflicts.<sup>30</sup> Therefore, religion can undeniably play a significant role in solving conflict within communities and also in advancing human rights. Religion can be used in overcoming great injustices and also in encouraging peaceful management of conflicts.<sup>31</sup>

Despite the fact that many people treat religion as an ideological explanation or as one of the contributing factors, it is a very important piece of security puzzle which deserves to be given some attention. Those participating in conflict reconciliation process look at religion in a special way since it can either contribute to conflicts or it can make conflicting parties to forgive each other and uphold peace.<sup>32</sup> Religion has been used in Somalia to solve conflicts and also in the management of the conflict. There have been several conflict mediation efforts in Somalia. At the same time, there have been numerous Islamist led attacks in Somalia.

Majority of the population in Somalia practice Islam. The Islamic identity in Somalia cuts across the clan lines and subordinates the primacy role of clannism. All Somalis are members of Sufi Order which comprises of Qadiriya, Idrisiya and Salihiyaa. These three orders are non-political. Somalis use them as organizational vehicles for resistance whenever they are faced with external enemies.<sup>33</sup> The role of these orders has

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<sup>30</sup>Shay, Shaul. *Somalia between jihad and restoration*. Routledge, 2017.

<sup>31</sup> Bridget Moix. Matters of Faith, Religion, Conflict and Conflict Resolution, In *The Handbook of Conflict Resolution: Theory and Practice*, edited by Morton Deutch et al. (San Fransisco: John wiley& Sons, Inc, 2006), p.583.

<sup>32</sup>ibid. p 585.

<sup>33</sup> Combating Terrorism Centre at West Point. *Al Qaida's Mis-Adventures in the Horn of Africa*. (Diane Publishing Company 2009), p.29.

been featured in conflict resolution. They have the leaders that Somali people turn to when faced with problems.<sup>34</sup>

Since times before independence in 1960, Islam has continued to play important role in political consciousness. The Islamic faith has for long been the identity of the Somalis. It played a great role in the independence of Somalia and in modernizing the Somali state. In 1969, Somalia experienced Siad Barre's coup, which introduced scientific socialism that crushed the dynamism and freethinking of post-independence. The religion was not saved by the coup. In 1975 the religious leaders voiced a strong opposition to the introduction of a new controversial family legislation which meant to give more rights to women. The authorities responded by executing the ten most powerful clerics and imprisoning several others.<sup>35</sup> Since the fall of Siad Barre, and fall of the Islamic state, many religious groups came up in Somalia. During the 1990's, there were powerful religions that were run on clan basis. Since then, there has been a bewildering range of Islamic associations that represent discrete religious doctrines. They all aim at Islamic governance in Somalia.<sup>36</sup>

When it comes to the importance of religious leaders, Islam is no exception. Religion is conveyed and carried from generation to generation. The Somali Sheikhs are

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<sup>34</sup> Jon Abbink. *The Islamic Courts Union; The Ebb and Flow of a Somali Islamist Movement*, In *Movers and Shakers: Social movements in Africa*, edited by Ellis Stephen and Ineke Van Kessel. (Netherlands: Koninklijke Brill NV Publishers, 2009), p.95.

<sup>35</sup> Mary Harper. *Getting Somalia wrong? Faith, War and Hope in a shattered state*. (London: Zed books, 2012), p.76.

<sup>36</sup> International Crisis Group. *Somali Islamists*. (Africa report no. 100,12 December 2005), p.2.

the most respected and accepted authority in Somalia. They highly contribute to the manner in which Islam is practiced.<sup>37</sup>

Islam has played a great role in Somalia. They have given a populist response to the western encroachment in politics and governance in Somalia. Islamism is used to explain the extreme political version of Islam.<sup>38</sup> There are categories within Islamism. Therefore, it is important to understand the Islamic categories in a detailed manner. Islamism does not represent the Muslim people.

#### **2.4 Non-Governmental Organizations**

There have been so many causes and effects of the war in Somalia. Previously, the non-governmental organizations were not always active in the conflicts. However, they play a vital role in the peace building process.<sup>39</sup> During the transitional government and the federal government of Somalia, traditional and indigenous methods were used in governing Somalia and also in solving conflicts.

The power of the traditional elders in Somalia was weakened by the military Junta which brought in a lot of powers. The Junta policies spread very fast and Somalia was gripped by instability. This was at the time when people did not understand between peace and security. They were also not aware of human rights. During the period of anarchy in the early 1990's, NGOs were established in Somalia.<sup>40</sup> There was also no government in Somalia. Since then, NGOs have been part of the civil society

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<sup>37</sup> Dr. Elmi A. M. *The Battle Dossier: Anatomy of frustration*, Ahlu Sunnah WalJamaa. (1st Edition, November 2010), p.17.

<sup>38</sup>Mwangi, Oscar Gakuo. "The Union of Islamic Courts and security governance in Somalia." *African Security Review* 19, no. 1 (2010): 88-94.

<sup>39</sup>Hill, Felicity, Mikele Aboitiz, and Sara Poehlman-Doumbouya. "Nongovernmental organizations' role in the buildup and implementation of Security Council Resolution 1325." *Signs: Journal of Women in Culture and Society* 28, no. 4 (2003): 1255-1269.

<sup>40</sup>Le Sage, Andre. "Stateless justice in Somalia: Formal and informal rule of law initiatives." (2005).

organizations (CSOs) that have been playing a very crucial role in conflict resolution peace pacification process.<sup>41</sup> They deploy both traditional and modern methods in executing their conflict resolution process. The NGOs are responsible for digging wells and building schools in many parts of Somalia. They do this as they share their counsel with the traditional elders.<sup>42</sup> Through their corporate social responsibility, there has been sustainability in products and services. This is one good approach towards conflict resolution.

One remarkable incidence was the crucial role played by NGOs during the Arta Somali Conflict resolution in Djibouti in 2000. This was when Abdikassim Salat Hassan was the elect traditional president. He was elected by the clan elders. In North West Somalia, there were also other sustainable peace building activities that were influenced by numerous factors. The peace and administration that is experienced in Northern Somalia (Somaliland) was achieved through the mechanisms established by traditional elders (Guurti) through non-governmental organizations working in Somalia.<sup>43</sup>

Notably NGOs have also played a very crucial role in building peace in Somaliland. NGOs have led negotiation, mediation and facilitation processes of peace building in Somaliland. NGOs have highly contributed towards building the capacity of Civil Society Organizations in Somaliland. Those educated in the groups were women, elders, youth and students.<sup>44</sup>

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<sup>41</sup>Gerson, Allan. "Peace building: the private sector's role." *American Journal of International Law* 95, no. 1 (2001): 102-119.

<sup>42</sup>Van Tuijl, Peter. "NGOs and human rights: Sources of justice and democracy." *Journal of International Affairs* (1999): 493-512.

<sup>43</sup>Keating, Thomas F., and W. Andy Knight, eds. *Building sustainable peace*. United Nations University Press, 2004.

<sup>44</sup>Menkhaus, Ken. "Traditional conflict management in contemporary Somalia." *Traditional Cures for Modern Conflicts. African Conflict "Medicine* (2000): 183-199.



Anarchy and conflict has been part of life in the South Central region of Somalia. NGOs applied a strategy of inclusion in the different social sectors. The Somali peace line NGO started workshops of developing peace within the region. The workshops were held in schools where students and teachers were trained on peace and conflict issues. They hold workshops on peace and mostly focus on youth and students in Mogadishu and Basaso. They also do work in advocacy and campaigning. All the NGOs campaign to raise awareness on peace and poverty eradication and inequality all of which are the main causes of conflicts.<sup>45</sup>

## **2.5 The Regional and Sub- Regional Organizations**

Regionalizing peace operations was a noble idea born as a result of insufficient capabilities by the United Nations to address violent conflicts and humanitarian tragedies. The UN system was overburdened with the role of conflict solution and prevention.<sup>46</sup> The need was further driven by shortcomings of the African Union (AU) and the emerging conflicts in Africa that were beyond their capacity to manage. After the cold war, it was suggested that sub-regional and regional organizations should help in conflict management from their respective sub-regions. Arrangement has also been outlined in article 52, chapter VIII of the UN Charter that regional organizations have a mandate in peacekeeping and observance of human rights.<sup>47</sup>

Therefore, African regional and sub-regional organizations should take a leadership role in conflict management and providing security to communities in the

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<sup>45</sup>Social Watch. 2010. "Social Watch: Poverty Eradication and Gender Justice." *Somalia: The Role of NGOs in the Peace Process*. 4 22. Accessed 1 10, 2018. <http://www.socialwatch.org/node/11828>.

<sup>46</sup>Wulf, Herbert. *The Role of Regional Organisations in Conflict Prevention and Resolution' in Still Under Construction: Regional Organisations' Capacities for Conflict Prevention*, ed. H. Wulf, INEF Report, no. 97. Duisburg: Institute for Development and Peace, University of Duisburg-Essen, 2009.

<sup>47</sup>Fassbender, Bardo. "The United Nations Charter as constitution of the international community." *Colum. J. Transnat'l L.* 36 (1998): 529.

states where they operate. They can execute this either through prevention and mediation or military and civilian intervention. This can also be achieved through post-conflict peace building.<sup>48</sup> While the regional organizations have previously executed this role, they have had some weaknesses and management functions that have limited their future role in the mandate.

Since 1990s, the United Nations system is overburdened with conflict prevention and solution.<sup>49</sup> The war in Africa and elsewhere in the world has had spillover effects. The regional and sub-regional organizations are increasingly taking shared responsibilities together with the UN system towards peace keeping. Currently, the African Union is taking some responsibilities in some African countries faced with political instabilities and conflicts. The regional and sub-regional organizations have taken fewer responsibilities in Asia and the Middle East since the South East Asia Nations (ASEAN) and the ASEAN regional forum are reluctant in giving up their sovereign rights and taking up the role of peacekeeping.<sup>50</sup>

When regional grouping was first established, they were meant to establish sustainability in economic growth.<sup>51</sup> In Africa, these regional groupings have changed this mandate and taken up the responsibility of peace building and conflict management. The regional and the sub-regional organizations realized that unless conflicts were resolved, their goals of economic integration, prosperity and development can never be attained. The United Nations has encouraged the efforts of the regional and sub-regional

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<sup>48</sup>Jabane, Abdirashid Mahammed. *Sub-regional organizations in conflict management : IGAD'S mediation of the Somali conflict, 2002-2006*. IDIS, University of Nairobi, 2008.

<sup>49</sup> Diehl, Paul F., Jennifer Reifschneider, and Paul R. Hensel. "United Nations intervention and recurring conflict." *International Organization* 50, no. 4 (1996): 683-700.

<sup>50</sup> Peck, Connie. *Sustainable peace: The role of the UN and regional organizations in preventing conflict*. Row man & Littlefield, 1998.

<sup>51</sup>Foroutan, Faezeh. *Regional Integration in Sub-Saharan Africa*. No. 992. World Bank Publications, 1992.

organizations. The United Nations resolutions for commission on human rights called up on all regional bodies to expand their mandate and represent the secretary general in the activities of internally displaced persons. There have been several seminars convened to discuss the guiding principles on addressing internal displacement.<sup>52</sup>

The regional organizations have thus strengthened their ties with their representatives and began disseminating the guiding principles. The Economic Communities of West African States (ECOWAS) is playing a great role in addressing the situations of displacement in West Africa. It has become a common phenomenon for regional and sub-regional actors in the African continent to manage conflicts. This has been happening since the last two decades. There is a considerable progress towards conflict management and addressing security threats in Africa. They have however not reached their expectations due to various weaknesses.<sup>53</sup>

The regional and sub-regional organizations lack common values. There are political differences existing in the regional organizations.<sup>54</sup> There is a contrast between the authoritarian and the democratic governments. Religious differences, ethnicity and cultures are a big barrier as well. Different countries have contested sovereignty. The intervention of the regional and sub-regional organizations has contrasted with the principle of the state sovereignty. Many governments oppose the delegating of authorities to the regional bodies. Every state jealously guards their state authority.

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<sup>52</sup>Cohen, Roberta. "The Role of Regional Organizations, ECOWAS." *Brookings*. September 30, 2002. <https://www.brookings.edu/on-the-record/the-role-of-regional-organizations-ecowas/> (accessed December 4, 2017).

<sup>53</sup>Sako, Soumana. *Challenges Facing Africa's Regional Economic Communities in Capacity Building*. Occasional Paper No. 5, Harare: The African Capacity Building Foundation, 2006.

<sup>54</sup>Thakur, Ramesh, and Luk Van Langenhove. "Enhancing global governance through regional integration." In *Regionalisation and Global Governance*, pp. 33-58. Routledge, 2007.

The various regional and sub-regional organizations have had overlapping responsibilities. Their missions and geographic reach is quite unclear and also very competitive. They have to come to a consensus on what each needs to do. There is also inadequate capacity where many of the regional and sub-regional organizations lack enough institutions, procedures and resources. This has made it difficult for them to execute their sanctions.

The regional powers are dominant. There is no balance between military and economic size. This has caused a lot of anxiety. There are difficulties experienced in the managing of hegemonic regionalism.<sup>55</sup> Elitism occurs when leaders do not permit the consciousness of the people. There has been creation of institutions that have little or no capacity to organize themselves has resulted in a merely formal regionalism.

Regionalism is believed to be a project that is externally driven. These, coupled with challenges in Funding have made the regional and sub-regional organizations not to execute their mandate efficiently. In some occasions, the funding of the regional organizations has gone low causing ineffectiveness in implementing their projects.<sup>56</sup>

Even though regional and sub-regional organizations have been tasked with conflict prevention and solution, their role is limited.<sup>57</sup> Their weaknesses in executing their mandate has inflicted heavily on the international community.

The paper intended to find out the types of human rights mechanisms that are already in place in Somalia. Firstly 97% of the respondents agreed that there are Human

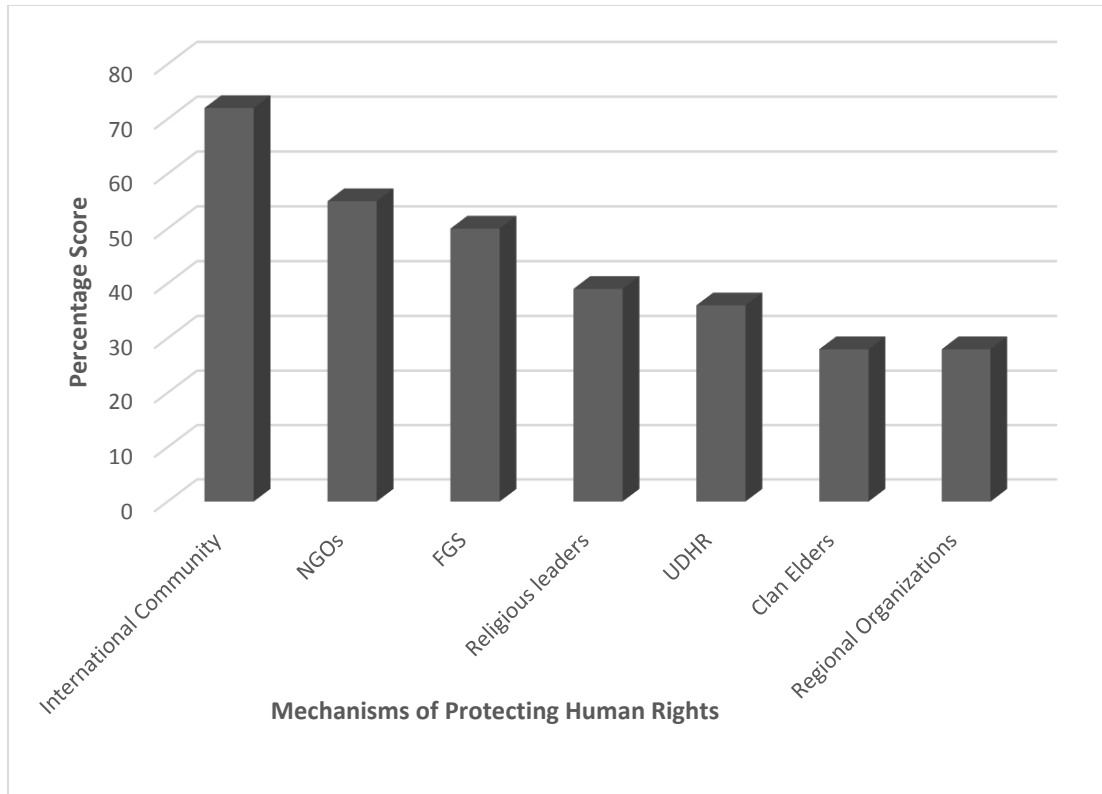
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<sup>55</sup> Fawcett, Louise. "Exploring regional domains: a comparative history of regionalism." *International Affairs* 80, no. 3 (2004): 429-446.

<sup>56</sup> Kwesi A . Africa Confronting Complex Threats. Working Paper Series International Peace Academy. (2007)

<sup>57</sup> Cliffe, Lionel. "Regional dimensions of conflict in the Horn of Africa." *Third World Quarterly* 20, no. 1 (1999): 89-111.

right support mechanisms in Somalia. Some Somalia, of the mechanisms in place were the United nations, the NGOs working in Somalia, the Federal government of Somalia, Religious leaders in Somalia, the UDHR, clan elders, regional and sub-regional organizations. The respondents scored the presence of each of the mechanisms as represented in the figure below.



**Figure 2: The Percentage Score of the Mechanisms of Protecting Human Rights in Somalia**

The International community is the biggest mechanism that the Somali community could look up to protect Human Rights. In the context of this study, the International community composed of the UN, the AU and the AMISOM. The International NGOs together with the local NGOs were assumed that they should also play a great role in observing human rights. They however did little to protect the human rights.

## **2.6 Conclusion**

This literature shows that there are mechanisms in place to protect and uphold human rights. The African commission on human rights has been very competent in undertaking studies, collecting documents, disseminating information, formulating rules, making recommendations and cooperating with other institutions. It also tries to ensure protection of human rights by ensuring interstate communications and generating periodic reports. Whenever human rights have been violated, there are reporting and complaint procedures that have to be followed. Any person or a group whose rights have been violated ought to communicate. Even with such mechanism in place, cases of violation of human rights continue to increase. It is therefore good to conduct further study to find out why these mechanisms are not performing.

Somalia has been stateless for the last seventeen years and under a civil war. This continues to pose a serious security concern in the country. The arms imposed by the UN Security Council has been not been rightly enforced. There is a continued unresolved dispute between the Ethiopian and Eritrean boarder that has strengthened the conflict in Somalia. Each of the two countries supports opposing side. Ethiopia supports the US to support the weak while the armed groups in Somalia depend on Eritrea for the military and financial assistant.

The human rights violations in Somalia need an international response that will be in line with the scale of crimes against human right. The UN Security Council condemns the human rights violation by both the government and the Al-Shabaab. They support and call upon all parties to discuss about the human rights violation. The Security Council also ensures that they respond to the human right violation by pushing for the spread out

of UN High Commissioner for Human Rights (OHCHR) and instituting an independent international commission for human right. The security council ensures that all the international peace keeping forces in Somalia is protecting the citizens including strong human rights components which includes investigating, monitoring, and reporting incidences of human rights violations in Somalia.

## CHAPTER THREE

### HUMAN RIGHTS ABUSE AND VIOLATION IN SOMALIA

#### 3.1 Introduction

The Somalia government and the international bodies have not paid enough attention in addressing human rights and violation that have been committed by Al-Shabaab, the armed forces, NGOs and other entities working in Somalia. Currently, there are few or no reforms with regards to access to justice for the victims of human rights abuse in Somalia.

During the Somalia armed conflict the human rights personnel has documented the violation of human right by the security forces which includes the army forces, police, intelligent agencies and the government military. These violations include indiscriminate attack, rape, murder, torture, arbitrary arrest, detention, and looting. These include the unlawful killing of the citizens by the Somalia government during the operation the Islamist armed group known as the Al-Shabaab. The human rights watch has documented civilian casualties in 2016 attack between the Punt land forces and the Galmudug interim regional forces. The UN has reported increase in the civilian casualties by the government forces in 2016.<sup>58</sup> Increase in drought also puts the citizens into a huge risk of insecurity.

Human right watch has also raised concern against the National Intelligence and Security Agency (NISA) of Somalia regarding the terrorism related crimes and that they

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<sup>58</sup>Hultman, Lisa, Jacob Kathman, and Megan Shannon. "United Nations peacekeeping and civilian protection in civil war." *American Journal of Political Science* 57, no. 4 (2013): 875-891.



lack accountability for the crimes that are committed by the agents.<sup>59</sup> Although NISA does not have the authority to arrest or detain, they hold citizens who they have detained for a long period of time without charging them and they deny them legal rights including seeking lawyers and being visited by their family members. They also detain journalists and political activists due to political reasons.

The military courts have been able to handle cases that are not within their jurisdiction such as terrorism related crimes and cases against the citizens which are against the international law and constitution. Civilian courts have been controlled by the clans and the politicians, corruption and lack of the justice have been observed and the civilians' prosecutors are unable to protect the rights of the individuals. It has been a challenge in establishing the justice system that is in line with the international standards.<sup>60</sup>

The member of the media faces human rights violation where they are harassed, physically abused, intimidated and even killed by the Al-Shabaab.<sup>61</sup> The government and the regional government including NISA wants the media to cover the issues in a way that favors the government authority. They justify restriction by making them to be seen as the security threat and the authority restrict or rather obstruct legitimate reporting on the key political and security issues and this places the journalists at a very great risks. The Somalia government most of the times do not investigate cases filed by the journalists on harassments, physical assaults or even killings. The human rights watch has

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<sup>59</sup>Steele, Robert David. *Human Intelligence: All Humans, All Minds, All the Time*. Strategic Studies Institute, 2010.

<sup>60</sup>Sherman, Edward F. "The Military Courts and Servicemen's First Amendment Rights." *Hastings LJ* 22 (1970): 325. Gordon, Ruth E. "Humanitarian Intervention by the United Nations: Iraq, Somalia, and Haiti." *Tex. Int'l LJ* 31 (1996): 43.

<sup>61</sup>Boed, Roman. "The effect of a domestic amnesty on the ability of foreign states to prosecute alleged perpetrators of serious human rights violations." *Cornell Int'l LJ* 33 (2000): 297.

no records where government officials or the security member was prosecuted or punished due to the abuses against the journalist while it is evidently that they participate in harassing the journalists. The restrictions on media law are overboard which includes the restriction of the propaganda against the dignity of the citizens, individuals and the government institutions and this leads to problem interpretation by the government authority for covering themselves from being exposed.

The discrimination against women have been highly observed in which there are very few women who participate in political and decision making sphere which indicate inequality and narrow gender roles. The politics are dominated by men who control everything including the political system.<sup>62</sup>The Somalia citizens endure abuses from all parties including the government, Al-Shabaab and other international forces. The government of Somalia has tried to come up with laws and rules to protect its citizens but it has borne very minimal positive results. There have been targeted attacks on the civilians and their properties including infrastructure by the Al-Shabaab in which sometimes they use suicide bombing and other time they use Improvised Explosive Devices (IEDs) which have a very huge impact. Over one million civilians have remained internally displaced, and most of them facing serious abuses and they have very minimal access to the basic services.

Human Rights violation deprives individuals' rights that are inherent to all humans.<sup>63</sup> Human Rights are enumerated differently, from Philosophical musings to governmental declarations. Violating human rights breaks the laws and the perpetrator may be prosecuted. There are large instances of Human Rights violations which can lead

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<sup>62</sup>Lorber, Judith. *Gender inequality: Feminist theories and politics*. Oxford University Press, USA, 2010.

<sup>63</sup>Ekpa, Simon. "Human Rights Violation." (2016).

to international sanctions or war. This chapter endeavors to discuss effects of human rights violation.

### **3.2 Sexual and Gender Based Violence**

There are still widespread sexual violence cases in Somalia, majority of which are committed by the armed forces. Girls and Women from the minority clans and the internally displaced are the ones who are at the high risk of sexual assaults and rape. There have been still rape cases that are committed by the gang youths. Most of these cases are not reported owing the fear of stigmatization and also the inability of criminal courts to prosecute those who are found accountable to the sexual abuse. The sectors on women development and human rights development with the assistance of the UNSOM have been implementing a national action plan that was developed and adopted in 2014.<sup>64</sup>

Female genital mutilation is very wide practiced in Somalia and it affects 95% of the Somalia women and girls. Most of the girls and women are afraid of stigmatization and discrimination if one abandoned the practice. UNICEF, FGS and other key stakeholders in Somalia are working to mobilize and sensitize communities about the dangers of the practice. They empower girls, women and the community to make decisions based on the best interests of their children.<sup>65</sup>

Women and girls face high levels of sexual violence in Somalia. The internally displaced women and girls are vulnerable to rape by the armed men such as the militia members and the government soldiers and AMISOM in Somalia.<sup>66</sup> It is a pity that even those that are mandated with protecting the vulnerable against abuse are also involved in

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<sup>64</sup>Gardner, Judith, and Judy El Bushra, eds. *Somalia-the untold story: the war through the eyes of Somali women*. CIIR, 2004.

<sup>65</sup>Chinkin, Christine. "Rape and sexual abuse of women in international law." *European journal of international law* 5, no. 1 (1994): 326-341.

<sup>66</sup>Higate, Paul. "Peacekeepers, masculinities, and sexual exploitation." *Men and Masculinities* 10, no. 1 , 2007: 99-119.

the abuse. The security forces in Somalia threaten the individuals that report rape and sexual exploitation.

According to UN Security Council, there are reports of increased sexual exploitation and abuse of women and girls by the AMISOM soldiers. In 2014, the UN Security Council resolved to call on AMISOM to take all measures to prevent sexual exploitation and abuse. AMISOM was also called to address all the allegations of abuse.<sup>67</sup> AMISOM has been reported to have publicly denied accusations of sexual exploitation to civilians. For instance, in 2013, a woman reported to have been assaulted by AMISOM soldiers in their camp. A commission made of Somali government and the AMISOM was established to investigate the accusations. AMISOM denied the allegations in the public. All the alleged victims and witnesses were intimidated.<sup>68</sup>

Years of famine and conflict have increased the levels of vulnerability of women and children in Somalia. Thousands of them have been displaced from their communities. They have lost their husbands and loved ones and even their clan protection. Many women and girls do not have jobs and resources to rely on. They are therefore forced to engage in sexual assaults in the name of providing for their families. The Human Rights watches of the United Nations and other organizations have recorded high and increasing levels of sexual exploitation on Somali women and girls. The displaced ones are more vulnerable. The involvement of AMISOM soldiers in the assaults have been overlooked by their leaders and the international donors. Since 2007, AMISOM soldiers were

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<sup>67</sup>AMISOM. *United Nations Security Council Resolutions*. AMISOM, 2014.

<sup>68</sup>Williams, Paul D. "AMISOM under Review." *The RUSI Journal* 161, no. 1 (2016): 40-49.

deployed in Somalia to help restore peace and stability.<sup>69</sup> The AMISOM soldiers have abused their position and preyed on the vulnerable women and girls. The soldiers rape and sexually exploit the women.<sup>70</sup>

### **3.3 Children Abuse**

Since 1991, Somalia has been experiencing civil war, on and off.<sup>71</sup> While men go to work outside, women remain with children at home. All the parties involved in the Somali armed conflicts have continued to commit serious children rights abuse. Children are being recruited in to armed forces while others are victims of arbitrary detention. Al-Shabaab is well known for targeting children in their recruitment. They kidnap and use children as soldiers. The children are also used as shields in the battle fields. According to Human Rights Watch (2014), Young boys and girls are abducted from their homes and schools and even send to recruit other children. In the Al-Shabaab training camps, children are taught to use weapons, throw hand grenades and trained in to radicalized ideology. They are also subjected to assaults such as rape and forced marriages.<sup>72</sup> The country has been saddened by the numerous attacks including attack on schools.

The Somali Transitional government has been criticized by the Human Right Watch for the failure to end use of child soldiers. They have been recruiting and using children soldiers. In July 2012, an action plan was developed so as to protect children against illegal recruitments. To date, the plan has not been well implemented. Different

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<sup>69</sup>Ahmed, Ifrah, Patrick MugoMugo, Trans-Link Advisory, and Ahmed Ismail. "4.12 Somalia-sexual violence in Mogadishu: ending impunity is far from reality—research." *FEMICIDE* (2015): 114.

<sup>70</sup>Human Rights Watch. *The power these men have over us*. New York: Human Rights Watch, 2017.

<sup>71</sup>Bongartz, Maria. *The civil war in Somalia: Its genesis and dynamics*. Nordiskaafrikainstitutet, 1991.

<sup>72</sup>Tancos, Kathryn. *More Child soldiers in Somalia fighting*. New York: CNN International, 2012.

governments from all over the world have been holding meeting to find political solutions that can restore stability in Somalia.

Al-Shabaab and other armed groups continue using children by making them their wives and other unlawful purposes. The children who are held by the authority for the criminal offenses are separated from their relatives and they are denied liberty and protection against sexual violence and they are also deprived rights to education. Children are prosecuted for security offences by the military courts which does not meet the international justice standards.

### **3.4 Displacement Due to War**

To date, there are more than one million people that are displaced and in an urgent need of humanitarian assistance in Somalia.<sup>73</sup> The displaced people remain in dire conditions that further make them prone to forced evictions, rape and clan based discrimination. All this is done by government forces, AMISOM and the camp managers who are the gatekeepers.<sup>74</sup>

We have many cases of the gatekeepers stealing the humanitarian food aid that is only meant for the displaced persons. The displaced people in the camps are subjected to insecurity especially the ones in the areas where Al-Shabaab has significant presence. Little services and evictions are other challenges faced in the Camps. Those that suffer mostly are the women and children.

Humanitarian agencies have had challenges of accessing the populations that are in dire need of help. The attacks and restrictions in the conflict regions discourage them.

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<sup>73</sup>Spiegel, Paul B., Anne Rygaard Bennedsen, Johanna Claass, Laurie Bruns, Njogu Patterson, DieudonneYiweza, and Marian Schilperoord. "Prevalence of HIV infection in conflict-affected and displaced people in seven sub-Saharan African countries: a systematic review." *The Lancet* 369, no. 9580 (2007): 2187-2195.

<sup>74</sup>Lindley, Anna. "Crisis and displacement." *FMR*, 2009: 18-19.

The medical Sans Frontiers withdrew their presence in Somalia in 2014 due to continued attacks by the militia groups. MSF had worked in Somalia for over 22 years. MSF was treating 50,000 people per month. It has been reported that more than 1.5 million people lack are now lacking access to healthcare.<sup>75</sup> The most vulnerable of these are the women and children.

The internally displaced communities have been suffering a lot due to war, insecurity and drought. The human rights watch has documented that this people suffers serious violations which includes forced eviction, sexual harassment, clan based discrimination both by the government and other non-state actors. Those who are evicted are put in a very dangerous situation which challenges their security and in which assisting them becomes very hard.<sup>76</sup>

They are currently 1.1 million internally displaced persons in Somalia who are very vulnerable and they depend on the humanitarian assistance for the survival. The human rights Watch have documented serious harassments on the civilians who live in the areas that are dominated by the government, these harassment includes rape, some are being killed and others are forced to evict. Some of the refugees are taken to the informal displaced camps. The humanitarian agencies find challenges in accessing the needy population to give them the humanitarian assistance due to insecurity and the restrictions that have been put there by the conflicting parties.<sup>77</sup>

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<sup>75</sup>Medecins Sans Frontieres. "Somalia." *Medecins Sans Frontieres*. 2013. <http://www.msf.org/en/where-we-work/somalia>.

<sup>76</sup>Ahmed, Ismail I. "The heritage of war and state collapse in Somalia and Somaliland: local-level effects, external interventions and reconstruction." *Third World Quarterly* 20, no. 1 (1999): 113-127.

<sup>77</sup>Dagne, Ted. "Somalia: Current conditions and prospects for a lasting peace." LIBRARY OF CONGRESS WASHINGTON DC CONGRESSIONAL RESEARCH SERVICE, 2010.

### **3.5 Abuse and Exploitation by the Somalia Authorities**

The Somalia authorities have restricted the civilians and the public in general from criticizing the government and its policies. The license of Guleid Ahmed Jama who was a human right lawyer was revoked by the minister of justice on the grounds that his work as the human rights lawyer and the chairman of human was incompatible. The government authorities sometimes detain journalist who sometimes they charge them. The Somaliland authorities have failed to regulate the mental institution in Somalia that have admitted patients involuntary and chained them and some of them are being beaten.<sup>78</sup>

### **3.6 Abuse and Exploitation by the Key International Actors**

Most of the foreign and the regional partners provide financial support and other supports the Somalia government and other partners pays salaries to the Somalia national army and other donors provides direct support to the regional security and police forces. Other partners' increases army forces in Somalia. The airstrike forces kill the military forces while they are targeting the Al-Shabaab and they sometimes deny it. Most of the international and the regional communities have focused on the electoral process at the political level despite the limited progress in the key reformed areas.<sup>79</sup>

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<sup>78</sup>Prendergast, John. *The bones of our children are not yet buried: the looming spectre of famine and massive human rights abuse in Somalia*. Center of Concern, 1994.

<sup>79</sup>Nordås, Ragnhild, and Siri CA Rustad. "Sexual exploitation and abuse by peacekeepers: Understanding variation." *International Interactions* 39, no. 4 (2013): 511-534.



### 3.7 Use of Forces and Abuses in the Internal Conflicts

The government sometimes forces the military and regional security forces to unlawful killing of the citizens who are protesting against the federal government. The military trials which sometimes include the civilian defendants sometime do not give the civilians the opportunity to appeal and some of them are sentenced to death. The human right forces have questioned the military courts the rights to give the people the chance to seek pardon or commutation of sentence and they should give sentence to a manner that meets the international standards.<sup>80</sup>

The Somalia government security forces the arrest of the Al-Shabaab, regional authorities and the clan militia sometimes in which is illegal arrest. Sometimes the military and the police arrest the civilians without giving them warrants.<sup>81</sup> The security forces abuse the civilians and in most cases they do not respond to the societal violence. In rare cases in which the authority investigates cases on the abuse of the civilians by the police and the army forces. Culture and impunity is also widespread.

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<sup>80</sup>Hansen, StigJarle. *Al-Shabaab in Somalia: The history and ideology of a Militant Islamist group*. Oxford University Press, 2013.

<sup>81</sup>Fritz, Danielle. "Child pirates from Somalia: A call for the international community to support the further development of Juvenile justice systems in Puntland and Somaliland." *Case W. Res. J. Int'l L.* 44 (2011): 891.

### **3.8 Torture and Inhuman Treatment and Punishment**

There so many cases where the civilians are tortured and other inhuman degradation including sexual violation by the military soldiers and others rape women.<sup>82</sup> Other torture includes the harassment of the journalists. NISA does not have rights to arrest but sometimes can hold detainees for a long period of time and torture them during interrogation.

Most of the prisons and the detention center are in a very harsh condition and they remain a life threatening areas. Most of the time the authorities do not separate the pretrial detainees from the convicted prisoners. Most of the family members who want to visit their children at the prison are denied the opportunity to see them. And some of the families in the Al-Shabaab controlled areas are sent to prison to prevent them from being trained by the Al-Shabaab. There has been a rise in the number of deaths in the prisons and the detention centers.

In most areas the judiciary relies on the combination of sharia law, traditional, customary law and the formal law. The Civilian judges have in most occasions feared trial cases, thus leaving the military courts to try civilian cases.<sup>83</sup> Sometimes judges who operate with unofficial documents execute conviction and give sentence including death penalty. Somalia has a shortage of trained judges and legal institutions which builds judicial precedent. There is a widespread of the interference in the judiciary process by the government authority that interferes to influence cases.

The al-Shabaab kidnaps people including the humanitarian officers and they hold the kidnapped for years and the government authorities do not go to look for the people

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<sup>82</sup>Littlewood, Roland. "Military rape." *Anthropology today* 13, no. 2 (1997): 7-16.

<sup>83</sup>Huband, Mark. "Somalia: The Politics of Violence." *Africa Report* 38, no. 5 (1993): 13.

who have disappeared.<sup>84</sup> There are so many cases that have documented the kidnapping of the civilian's one of them being on May 13, when Al-Shabaab fighters kidnapped 14 Iranian fishermen who were allegedly fishing in Somali waters near El-Dheer, Galguduud Region.

During the conflict that involves the government security forces and the militias and the Al-Shabaab most civilian are injured and others are killed and most of them are displaced. The Al-Shabaab kills the civilians and in some cases these killings are politically motivated. At times they attacks peace activists and those people that are struggling to protect human rights such as, community leaders, clan elders, and the people they accuse of spying for Somali national forces and AMISOM.<sup>85</sup>

### **3.9 Killing and Abuse of Journalists in Somalia**

The freedom of expression of the media is still a challenge mostly for the journalists and the media. Many journalists and media owners are prosecuted, intimidated and arrested and to some point the media equipment and machines are destroyed. The journalists have continued receiving threats mostly from the Al-Shabaab and they face intimidation, arrest and illegal detention. The National Union of Somali Journalists, the Media Association of Punt land and the Somalia Journalist Association of Somalia have been active in monitoring and reporting on media and journalists violations.<sup>86</sup> They collaborate with the international journalist to strengthen their professional capacity. The international media foundation and communication development have launched three years support

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<sup>84</sup>Foster-Bowser, Erin, and Angelia Sanders. "Security threats in the Sahel and beyond: AQIM, Boko Haram and al Shabaab." *Civil-Military Fusion Centre Mediterranean basin Team* (2012).

<sup>85</sup>Menkhaus, Ken. "Governance without government in Somalia: spoilers, state building, and the politics of coping." *International security* 31, no. 3 (2007): 74-106.

<sup>86</sup>Julliard, Jean-François. "Safeguarding Speech: A Shield for Journalists under Threat." *Harvard International Review* 32, no. 3 (2010): 46.

programme for the Somalia media sector so that they can enhance professionalism and integrity among the journalist.

It is very dangerous to be a journalist in Somalia. The journalists complain that the public, the militants and the authorities are very hostile to them. We have had reported cases of journalists who were killed in Somalia. In October 2014, a veteran journalist working for a private Somali TV channel was shot several times while at his home. The journalist, Abdirisak Elmi stayed in the hospital for four months. Today he receives weekly treatment and he is not able to work.<sup>87</sup> Mohamed Ibrahim Raage is one of the Journalists killed in April 2013. He was working for the Somali National Television and the Government. The killings of journalists happen in Kismayu, Mogadishu and other major towns in Somalia.

There has been a lot of impunity in the journalist killings. Those involved in the killing of a journalist by the name Hassan Yusuf Absage were not executed as per the sentence pronounced on them due to inability to meet international standards. TV programs, radio broadcasting and some newspapers have been barred from reporting on the same.

Al-Shabaab commit killings, beheading, and executions, mostly if they think someone is spying on them and if they think someone is collaborating with the government.<sup>88</sup> The armed forces continue to administer injustices to the civilians including recruiting young children to join their forces. They restrict civilians from accessing basic rights in the areas that they have dominated. Some of the young people

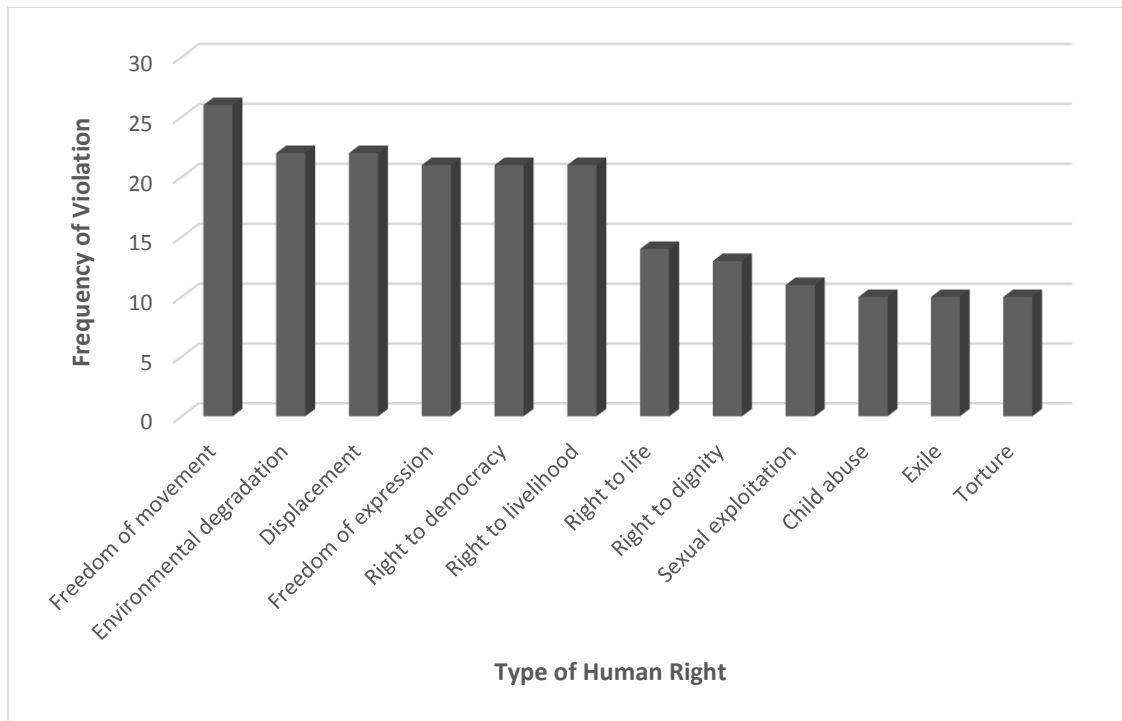
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<sup>87</sup>Human Rights Watch . *Attacks on Media Freedom in Somalia*. New York: Human Rights Watch, 2015.

<sup>88</sup>Buluma, Godfrey. *Al-Shabaab: The Threat to Kenya and the Horn of Africa*. Army war college Carlisle barracks pa, 2013.

who return to Somalia from the refugee camps they are forced to join the Al-Shabaab group. The Al-Shabaab target schools, hotels and restaurants. They control and attack along the routes in which they get supply of their armed weapons. They continue to attack and harass journalists in the areas that are under their control and they ban the journalists from reporting from the areas that they have dominated and sometimes they go to an extent of killing reporters who reports from the areas that they control.

The study examined the status of observing human rights in Somalia. 80% of the respondents acknowledged that they had either witnessed or their human rights were directly violated. Different respondents had different reactions on violation of human rights because they had either experienced or witnessed. The top most violated human right was the freedom of movement with a score of 25%. The residents of Somalia together with those visiting, including those working for the UN and the AMISOM found it difficult move from one place to another in Somalia. Environmental degradation, Displacement, Freedom of Expression, right to democracy and right to livelihood had similar scores by the respondents. However, all the human rights listed therein were violated in one way or another.



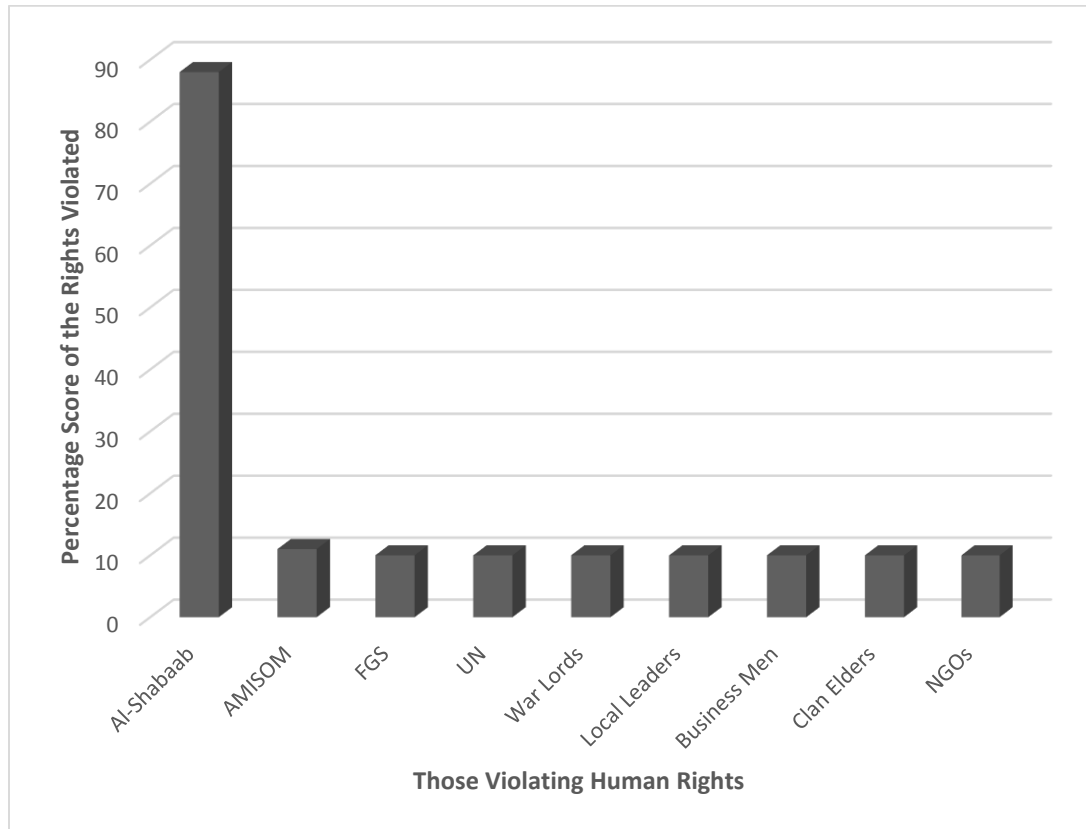
**Figure 3: Types of Human Rights Violated in Somalia and Frequency of Violation**

Environmental degradation referred to destruction of the environment in Somalia which led to drought, lack of water, lack of food and starvation among the Somali residents. There were little organizations that are implementing projects on Climate Change in Somalia.

### **3.10 Who Violated the Human Rights?**

According to the research findings, various people were blamed for having violated the human rights in Somalia. These included the Al-Shabaab, AMISOM, Federal Government of Somalia, and War Lords, Local elders, Business men, Clan elders and the Non-governmental organizations based in Somalia. Al-Shabaab were responsible for the biggest crimes of violating human rights in Somalia at 88%. According to the respondents, all the other actors contributed towards violation of human rights in one way or another. The results indicated that there is a very thin line between the one who is

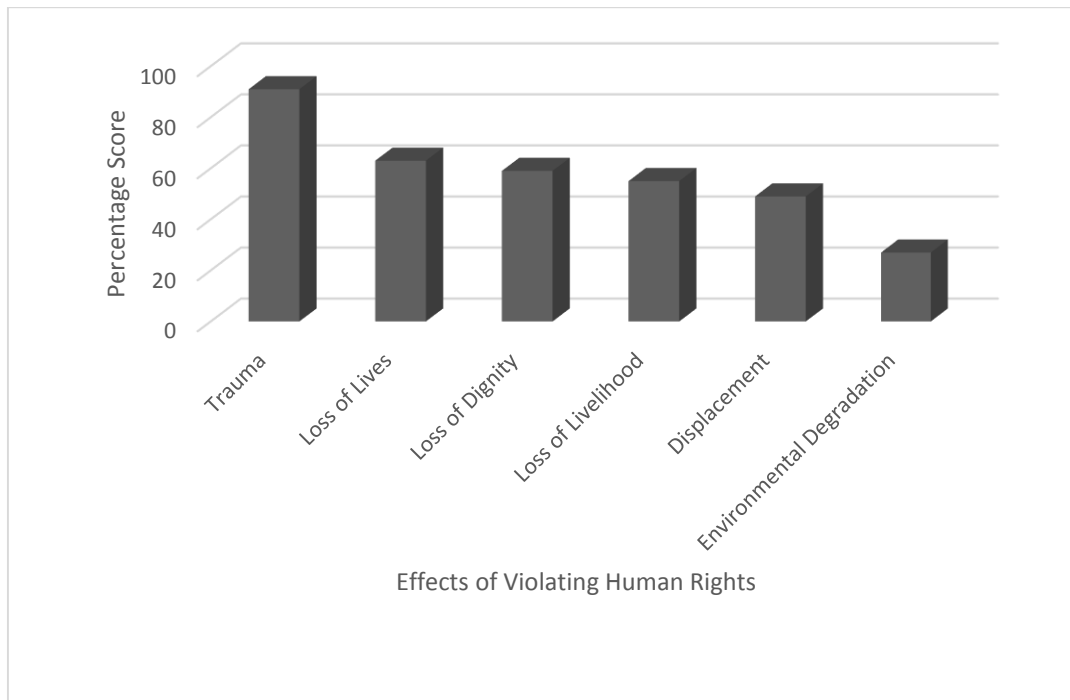
supposed to protect the human rights and the ones abusing the rights. It arose many gaps as to the role of the actors in observing human rights and what challenges make it not possible to observe the human rights.



**Figure 4: Key Actors in Violating Human Rights in Somalia**

### 3.11 Effects of Violating Human Rights

The research findings revealed people suffered different human rights violation. Denial of right to dignity caused trauma. This can cause fear, lack of self-esteem, loss off identity, anxiety and uncertainties. When people are denied the right to livelihood, it means that they cannot engage in productive activities or they are not able to exploit their full potentiality or even aspire other. People in Somalia have lost their property as well as their livelihood.



***Figure 5: A Bar Chart Illustrating the Effects of Violating Human Rights in Somalia***



### 3.12 Conclusion

There are so many international mechanisms meant to stop and prevent the violation of human rights. The United Nations Security Council is one of them. It is actually the supreme instrument entitled with protecting human rights. They have however been criticized for not operating under the laws stated in the UDHR. They have failed to take deterrent measures like trade sanctions for those proved to have violated human rights. The abuse and violation of human rights have denied children the right to education, many people have been denied the rights to life, sexual violence and exploitation have denied women and girls the right to dignity. Abuse of human rights can cause War crimes, and hindered development in a country.<sup>89</sup> Violation of human rights has limited positive changes in the country subjected.

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<sup>89</sup>Puniyani, Ram. *Human Rights Violations Of Minorities: Effects And Repercussions*. Countercurrents.org, 2012.

## CHAPTER FOUR

### STRATEGIES ADOPTED IN OBSERVING HUMAN RIGHTS IN SOMALIA

#### 4.1 Introduction

In the past decade, there has been an increase in the in national and international conflicts that have been marked by massive displacement of people, ethnicity, violence, child abuse, sexual exploitation, loss of life and many other human rights abuse. The military, police, civilians and AMISOM have been given the responsibility of helping those affected by conflicts, reach peaceful settlements, finish the crises and prevent any further belligerent entanglement. The number of the United Nations peace operations has been growing rapidly to meet the demand of troops in the increasing armed conflicts.<sup>90</sup>

Because of the indiscriminate loss of people's lives, peace keeping operations are undertaken by the United Nations together with other regional security organizations. This was interest derived from demand for mechanisms of conflict prevention and resolution. The involvement of regional organizations and other international arrangements in peacekeeping operations are well prescribed in the United Nations Charter.<sup>91</sup> The use of force, implementing international instruments and applying levels of authority have been abused and led to abuse of human rights by the forces that are supposed to observe the human rights and protect people. These are challenges experienced in Somalia and also reported elsewhere in the world where peacekeeping

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<sup>90</sup>Maniati, Eirini Lemos. *Peace-Keeping Operations: Requirements and effectiveness; Nato's role*. NATO-EAPC, 2001.

<sup>91</sup>United Nations. "Art. 52.1 'Nothing in the present charter the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance to the international peace and security are appropriate for regional peace-keeping operations.'" n.d.

operations took place. This chapter discusses the various strategies employed to ensure that the undertakers of PSO observe human rights.

The overall situation of human right in Somalia is still bad. There are still so many reports of human rights violation including the violation of the freedom of expression, sexual harassment and death penalty. The Al-Shabaab continues to threaten the sustainable peace of the civilians.<sup>92</sup> There is a continue reports of displacement of the civilians due to the ongoing conflicts between the Al-Shabaab and government security. The humanitarian assistance in Somalia who assists in meeting the civilian's needs is declining due to Al-Shabaab attacks and conflicts.<sup>93</sup>

The independent experts engage the government of Somalia and also the civil society so as to help Somalia implement the human rights obligations and how they can establish an independent human right commission.<sup>94</sup> The human right in Somalia should be reviewed based on the previous documentation of human right and other information obtained from the independent expertise. The independent experts have been writing letter to the government of Somalia on the allegation of human right violation in the country and they ask them to take action against those who are violating human right.

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<sup>92</sup>Lindner, Evelin Gerda. "Humiliation and human rights: Mapping a minefield." *Human Rights Review* 2, no. 2 (2001): 46-63.

<sup>93</sup>Shinn, David. "Al Shabaab's foreign threat to Somalia." *Orbis* 55, no. 2 (2011): 203-215.

<sup>94</sup>Timmons, Debra M., and Mary E. King. *The Sixth Clan: Women Organize for Peace in Somalia: A Review of Published Literature*. University for Peace, 2004.

## 4.2 Pre-deployment Training of PSO personnel

Before the security personnel are deployed to peacekeeping operations, they have to be trained. This training is provided by the UN member states in collaboration with the government personnel. Every state has a responsibility to adequately train its security personnel and prepare them for international service in offering their expertise in correcting personnel during the peace operations. These security officers need skills that are higher and broader even than the experience they gained as national correction officers.<sup>95</sup>

The securing personnel are exposed to pre-deployment trainings on gender, peace and security programs. These programs entail peace and human security for all. The UN invests in a lot of capacity building before deploying security forces to armed conflict areas. The training is aimed at improving the capacity of the police, military and civilian peacekeepers. The training also helps the peacekeepers in understanding the social context of where the peace operations take place and how men and women relate in those places. The peace keepers are made aware of the impacts that their actions might have in the conflict areas and develop skills of analyzing them.<sup>96</sup>

The extent to which troops receive the training depends on the guidelines and priorities of the troop contributing countries (TCC).<sup>97</sup>The peace contributing countries have the responsibility to offer pre-deployment training. Therefore, the levels of training might vary from one country to another. Some countries have more capacity than others.

It has been noted that the countries that have the highest capacity of training their troops

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<sup>95</sup>Friends of Corrections. *Predeployment training*. 2017.  
<http://www.friendsofcorrections.com/event/about.aspx>.

<sup>96</sup>Lyytikäinen, Minna. "Gender Training For Peacekeepers: Preliminary overview of United Nations peace support operations." 2007.

<sup>97</sup>DPKO. "peace women." 2004.

on traditional duties of cease-fire and all multi-dimensional peace operations are the ones that send less troops for peacekeeping missions. The bulk of the peacekeeping troops are sourced from developing countries that have less resources and capacity of training their personnel.<sup>98</sup> According to a refugee international study conducted in West Africa, deployed troops received little training on non-technical issues such as sexual exploitation and child abuse. The security troops get little induction sessions on gender, sexual abuse, child abuse and all non-technical issues. The sections are allowed few hours as compared to the technical issues.

When undertaking pre-deployment training, there is need to take advantage of local resources such as local organizations that deal with human rights. These organizations can give further training on how the security forces can uphold human rights and ensure that they protect people in the armed conflict areas. Local resources in the pre-deployment countries should be utilized well when developing and piloting the training materials. When UN missions used local materials representatives in training their troops in Ethiopia, Sierra Leone, Eritrea and DRC, the results were fantastic.<sup>99</sup> The troops are trained based on the UN personnel's code of conduct that covers sexual exploitation and Abuse (SEA), gender and also the UDHR which highlights the human rights.

Pre-deployment training for peacekeepers is meant for the civilian personnel, military and the civilian police. The training is offered to both military and the police by national defense academies. There are other academies that train the security forces

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<sup>98</sup>Hitchcock, Nicky. "Building Capacity for African Peacekeeping: A Profile of Prominent Peacekeeping Centres in Africa." *Conflict Trends*, 2002.

<sup>99</sup>Mackay, Angela. "Virtual Discussion on gender training for security sector personnel hosted by UN-INSTRAW." 2007.

together with the civilians. The extent of training the peacekeeping personnel on the issues of gender, sexual violence and other forms of human rights abuse is still an issue that needs to be reviewed and probably approached differently. There are some missions that lack some certain forms of units. We also have the challenges of language barrier where troops speak their mission language while the other troops speak their native mother tongue.

The issue with training troops of the various forms of human rights is very emotional. Besides having a UDHR, that is acceptable to all, the discussion has been politicized. It strikes at the center of the life of every human being, whether male or female. People have different beliefs, values, expectations, practices and attitudes that identify them. There are some long held assumptions that are challenged. We also have the issues of control and power which have been confronted. This has demanded a different look from that of the world perspective.<sup>100</sup>

### **4.3 Joint Operations**

The United Nations Police in peacekeeping operations and political missions have their core functions guided by some principles. The guidelines are meant to further the rule of law and provide public safety to both the security personnel and the civilians. There is however a gap on whether the United Nations peacekeeping police have a clear understanding of their job mandates.<sup>101</sup> How they are recruited, trained and implement their assignments matter a lot when it comes to observing human rights. Therefore, policies need to be followed in executing these procedures. There should be clear

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<sup>100</sup>Carson, Lisa. "Pre-deployment 'gender' training and the lack thereof for Australian peacekeepers." *Australian Journal of International Affairs*, 2016: 275-292.

<sup>101</sup> Includes police, gendarmerie, customs, immigration and border services, as well as related oversight bodies, such as ministries of the interior or justice

guidelines to protect persons and their property, maintain people dignity, and maintain public order and safety. The AMISOM, police and civilian leaders have the obligation to ensure that human rights are observed. These include right to life, liberty, security, and the rest as guaranteed in the UDHR.<sup>102</sup> The United Nations Policing provides the international legitimacy to AMISOM efforts. During the peacekeeping missions, joint operations are encouraged by troops from different countries. It is however stated in their policies that ‘*the role of the United Nations Police is to promote, protect and respect human rights*’. This must be incorporated in every aspect of their work. It is also expected that the security forces on mission act as role models to the hosting state counterparts. They should act in accordance with the international human rights standards.<sup>103</sup> To accomplish this mandate, the AMISOM should conduct a thorough and a standardized assessment of the host country before and during implementation.<sup>104</sup> It is also very important to establish the political context of the work of AMISOM.

#### **4.4 Capacity Building and Development of Security Personnel**

Capacity buildings are the efforts geared towards strengthening resources, aptitudes, relationships and conditions that are effective in achieving the desired purpose.<sup>105</sup>

Capacity building should target institutions, individuals and their environment of operation. Institution building is thus one way of capacity building while individual

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<sup>102</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, welcomed by General Assembly resolution 45/121 of 18 December 1990).

<sup>103</sup> In accordance with the principles of the UN GA resolution on “Criminal accountability of United Nations officials and experts on mission.”

<sup>104</sup> United Nations. *United Nations Police in Peacekeeping Operations and Special Political missions*. department of peacekeeping operations and field support, 2014.

<sup>105</sup> Taken from Brinkerhoff, D.W. “Developing Capacity in Fragile States,” *Public Administration and Development*, 30, 66-78 (2010).

capacity building is another way. The capacity and skills of the military and the police should be built before deployment. Capacity building is best if inside driven.<sup>106</sup>

Engagements on capacity building should be based on strategic plans to cover organizational units and individual personnel. There should be a proper needs assessment so that it is clear on what capacity building should be undertaken. One should understand the structure of policing, philosophy, budgets and all fundamental issues. The capacity building activities should do in a systematic, regular, and objective manner. There should be plans to do monitoring and evaluation so as to determine whether the capacity building programs are relevant, efficient, effective and sustainable. The UN Security Council, AMISOM, and the police should ensure that they administer transfer of knowledge through training and mentoring.<sup>107</sup>

There should be provision of development materials and the opportunities so that tangible results of capacity building are seen. The materials include adequate information, office equipment, communication systems, equipment necessary for executing policing duties (uniforms, firearms, vehicles). It is the role of AMISOM and the police to advise on what type of equipment they need. Capacity building is very key in developing skills and educating.

The bilateral cooperative partners, AU and the UN have come together to support the government of Somalia in improving the human right situation in the country and achieve the goals that are outline in vision 2016 which the formed for the democratic transformation. The Somalia vision 2016 on human right held democratic elections on

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<sup>106</sup>Ward, Curtis A. "Building capacity to combat international terrorism: the role of the United Nations Security Council." *Journal of Conflict and Security Law* 8, no. 2 (2003): 289-305.

<sup>107</sup>Ibid page20



August 2016, translated the provisional Constitution of into an accepted document. This created federal states, as outlined in the provisional Constitution. There have been political tensions within the government which have affected the smooth operation of the government and this minimizes the confidence by the international partners in assisting to stabilize Somalia.<sup>108</sup>

#### **4.5 Women Participating in the Political and Decision Making Processes**

Women in Somalia are not represented in political and decision making process although they constitute to more than half of the population in Somalia mostly due to culture and religion barriers. The United Nation supports the women ministry to advocate for the women inclusion in decision-making. Women in Somalia are marginalized and they do not enjoy participation and involvement in the government structure.<sup>109</sup>

The women ministry and human right development has shown commitment in implementing the road map to human rights. They have received a lot of technical support from the UNSOM and various stakeholders in developing a plan of action. The main objective is to ensure that human rights aspect is integrated in building the peace of Somalia. The international partners have been encouraging the government of Somalia to continue in the implementation of the action plan and the international continue supporting the government of Somalia in implementing the human right road map by assisting them technically and provide them with resources for peace building and state building goals.

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<sup>108</sup>Rose-Ackerman, Susan. "Trust, honesty and corruption: reflection on the state-building process." *European Journal of Sociology/Archives Européennes de Sociologie* 42, no. 3 (2001): 526-570.

<sup>109</sup>Belch, Michael A., and Laura A. Willis. "Family decision at the turn of the century: Has the changing structure of households impacted the family decision-making process?" *Journal of Consumer Behaviour* 2, no. 2 (2002): 111-124.

#### 4.6 Institutions on Human Rights

There has been a slow legislation of establishing the national human right commission in Somalia. The process of reviewing the human right bills has been delayed due to the political crises. The United Nations and other stakeholders have been advocating for the draft legislation bill to be revised so that it provides for the establishment of principles for promotion of human rights. Since Somalia is very young in terms of being the human right institution, they are facing so many challenges including lack of adequate resources that are required for the effective observation of human right and delivering their other mandates.

With the introduction of human rights monitoring, there have been little reporting of human right that is regular, accurate and credible that the key human rights policy makers and the public has including the UN.<sup>110</sup> Human right officers who work within and outside Somalia ensure that they monitor, investigate and report the human right crisis.<sup>111</sup> Presence of Human right officers provides expertise on important issues to the government and other stakeholders. These capacity building measures covers all stable regions in Somalia. They also include effort on the amendment of legislation, building the judiciary capacity, training the security forces oh human right and supporting the human right commission in Somalia and other relevant institutions. They are generating the necessary debate among the Somalia citizens and other international communities on accountability and reconciliation which adheres to the international best practices.

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<sup>110</sup>Mertus, Julie A., and Dimitris Bourantonis. *The United Nations and human rights: A guide for a new era*. Routledge, 2010.

<sup>111</sup>Ife, Jim. *Human rights and social work: Towards rights-based practice*. Cambridge University Press, 2012.

Accountability of the violation of the human right law is very important. The rule of human right law and the human right should be respected in both the conflict and post conflict societies. Since 1991 when Somali state collapsed, widespread of serious abuse against the citizens have been experienced lack of accountability of the previous violation of human right may lead to more cases of conflict and the violation of human rights. The high level of investigation on the human right violation has been the first step towards providing justice and accountability. There is need of Transition Federal Institutions to come up with polices by referring to the past situation that will show the willingness of ending impunity and gain trust from the citizens.<sup>112</sup> The commission of inquiry identifies the previously committed crimes and formulates sanctions for addressing human rights violations. It offers both long-term and short-term reconciliation initiatives, and International criminal prosecution.<sup>113</sup>

The government of Somalia ensures that Security Council resolution condemns the abuse of human rights where those who commit serious human rights crime are punished. They ensure that the international human rights standards are applied in Somalia. Increase the number of UN officers and High Commissioner for human rights so that they can monitor and they can publically report the violation of human rights and they can provide with the human right justice. They also support the establishment of human right commission and the also support the human rights defenders in Somalia. The expansion of human rights activities includes the increasing in the number of human right personnel who have experience in child abuse, sexual harassment and gender-based

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<sup>112</sup>Paust, Jordan L., Michael P. Scharf, Leila Sadat, M. Cherif Bassiouni, Jimmy Gurulé, Bruce Zagaris, and Sharon A. Williams. *International criminal law*. Durham NC: Carolina Academic Press, 2000.

<sup>113</sup>UN Security Council. 2009. *Report of the Secretary-General on the situation in Somalia*. Annual Security reports, United Nations Security Council.

violence. The United Nations Security Council (UNSC) Resolution 2102 established the UN Assistance Mission in Somalia (UNSOM) and provided the Mission with a strong human rights mandate.<sup>114</sup> The mandate will help the UNSOM in monitoring, investigation and reporting to the Council to help them prevent any abuse of human rights.<sup>115</sup>

The strengthening of the security forces must comply with human rights standards and norms. Some violations are crimes being committed by the military forces. In order to break this cycle of impunity the human rights commissioners work with the humanitarian organizations to provide training to the Somalia security forces so that they can have a better understanding and comply with the human rights standards of their everyday operations. This will help them to have better understanding and to gain knowledge on the international standards of human rights and applicable national laws which is relevant to their work and which will help them to incorporate human right principles in their services.

The engagement of the civil society and other partners, despite the challenges and the risks that the Somalia's Civil Society Organization (CSOs) face, they still ensure that they fight against impunity and strengthen Somali's accountability and the rule of law. They ensure that they engage the civil society into the dialogue that contributes to the

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<sup>114</sup>UNSOM. (2013, May 2). *UNSOM*. Retrieved from United Nations Assistance Mission in Somalia (UNSOM): <https://unpos.unmissions.org/sites/default/files/UNSOM%20Q%26A.pdf>

<sup>115</sup>UN. 2013. *Security Council Establishes United Nations Assistance Mission in Somalia, to Be Operational by 3 June for Initial Period of 12 Months*. UN.

reconciliation. They partner with other actors to ensure that they raise concern about impunity, accountability and the law.<sup>116</sup>

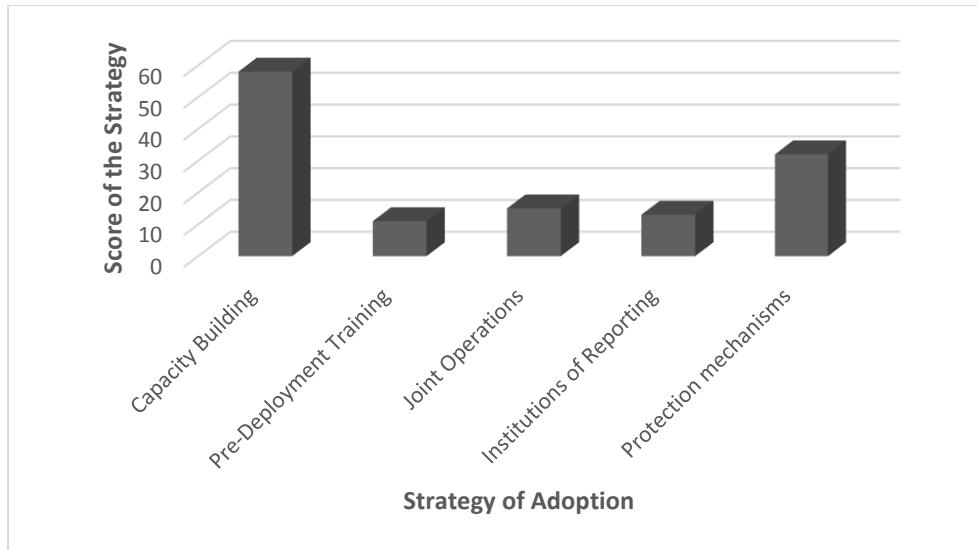
The withdrawal of TFG in Somalia that has created the opportunities of engagement by the international societies. This has contributed to the growth of access to education. Somalia adopted the Kampala Accord 2011; this helped in ending transition which led to security improvement, adaptation of the constitution, National outreach, reconciliation and good governance.<sup>117</sup>The Human right agencies ensures that they Provide accountability, including establishment of vetting and oversight mechanisms to remove abusive army as well as strengthening national and international avenues for redress, human right is the central of Somalia's security sector reform plans.

According to the study, the Somali community new their human rights. Besides knowing that their human rights were being violated during the peace support operations being undertaken in their country, the Somali community knew what could be done to ensure that Somalia's and non-Somalia's observe human rights. Some of the listed strategies were capacity building, introducing protection mechanisms so that people can freely report human rights abuse, effecting joint operations as well as effecting pre-deployment training. Over 50% of the respondents believed that capacity building to the Somali community and to the perpetrators could go a long way in solving the problem. Over 30% of the respondents wanted protection mechanisms to be introduced. This is because the cases of human rights abuse were rampant and thus people could report without any fears.

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<sup>116</sup>UNSOM. 2016. *Somalia: freedom of expression critical to ongoing political transition – UN report*. UNSOM Security reports, Mogadishu: UNSOM.

<sup>117</sup>Ibid p. 4



**Figure 6: A Bar Graph Showing the Strategies That Should Be Adopted in Observing Human Rights in Somalia**

Capacity building can further have enhanced by the elite Somalis who live in the Diaspora. Due to their exposure, they understand the importance of observing human rights. Having such members training or building the capacity of their own is very acceptable. It is easy for Somalis to accept the teachings especially when it is from one of their own. When the training is being done, different groups should be reached differently. These groups include children, man, women and Sheikhs.

Other strategies that were found relevant to enhance observation of human rights included: organizing awareness campaigns, targeting religious gatherings, and Sheikh Teachings, Madrasa and outreach programs. In all these methods, audience segregation is very important. Of importance to note is that Somalis are very good at oral communication. Passing the message orally, through radio or the social media is very critical.

#### 4.7 Challenges in Observing Human Rights in Somalia

The realization of Human Rights in Somalia seems unattainable goal in the conflict situation. The international human rights laws suffer observance due to the challenging security and the poor institutions and structures. Hence they provide inadequate protection, as evidenced by the reality of daily perpetration of human rights. Thousands of civilians suffer from abuse and exploitation. The vulnerable women, children and men continue to suffer even in the hands of the security forces that are supposed to be protecting them from abuse.<sup>118</sup>

Somalia's human rights record has been received with mixed reactions by both local population and the international community. There have been a lot of public pledges to tackle the violations of Human rights. The efforts to implement the pledges have been poor. The government of Somalia together with its security forces undermined the commitments.<sup>119</sup> For instance, in February 2013, a woman that alleged rape by the Somali government forces was arrested together with the journalist that interviewed her. They were both accused of tarnishing the Institution's name. They were however released after criticism by the international community.<sup>120</sup>

AMISOM together with other troops conducting peace support operations in Somalia have prioritized justice and reformation of the security sector in Somalia. All these are efforts geared towards improving human rights. Insecurity has however continued to be a challenge in Mogadishu and other areas that are controlled by the

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<sup>118</sup>Beitz, Charles R. *The idea of human rights*. Oxford University Press, 2011.

<sup>119</sup>Frohardt, Mark, Diane Paul, and Larry Minear. *Protecting Human Rights: The Challenge to Humanitarian Organizations*. Thomas J. Watson Institute for International Studies, Brown University, 1999.

<sup>120</sup>Human Rights Watch. *World Report 2014: The Events of 2013 in Somalia*. New York: Human Rights Watch, 2014.

government. The commitment by the Federal government of Somalia to protect the human rights of citizens has not been fully implemented. This has led to conflicts and abuses of human rights in many parts of Somalia.

There are various other bodies that have been working to ensure that Somalia has structures for upholding human rights. The country has some local NGOs and local administrations that are mandated with voicing for the voiceless. Other key players in this are IGAD, AMISOM, International human rights watch and FGS.<sup>121</sup> In Dec 2015, the government of Somalia enacted human rights commissioner intended to oversee matters of human rights in Somalia. The improper mechanisms of control have led to insecurities such as civilians that died in crossfire when soldiers were fighting over control of a road block, indiscriminate attacks in buildings like one witnessed on 14 October 2017 where over 320 civilians were killed and over 1000 injured. The indiscriminate attacks have not spared facilities such as hospitals and schools as well as property.<sup>122</sup>

The Warring parties in Somalia have a long –running conflict that has continued to kill, displace and abuse civilians. Humanitarian access to the suffering has been restricted. This exacerbates the human rights crises. By 2017, the Al-Shabaab has abandoned the towns they controlled in Somalia. The Al-Shabaab militants however control South-Central Somalia. The Al-Shabaab administers public beating and executions and restricting the basic rights of humans. The Al-Shabaab executes deadly attacks, where they target civilians and lawmakers. The Somali government security

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<sup>121</sup>Wafula, Baraza Luke. *The Role of Regional organization in peace making in Africa: A case study of the intergovernmental authority on development (IGAD), in Somalia*. Masters Dissertation, Nairobi: University of Nairobi, 2013.

<sup>122</sup>Human Rights Watch. "Indiscriminate Attacks Devastate Mogadishu." *Violence is not our culture: The global campaign to stop violence against women in the name of culture*. April 18, 2010. <http://www.violenceisnotourculture.org/content/indiscriminate-attacks-devastate-mogadishu>.



forces, allied militias and the African Union troops are all responsible for the indiscriminate attacks, arbitrary arrests, sexual violence and detention of civilians in Somalia.<sup>123</sup>

The Somalia community has traditional elders, civilian officials, local community based organizations and journalists who work towards ensuring that human rights are upheld. These people have not been spared either. We have had targeted killings in areas where these important community people are killed. The perpetrators of the killings are unknown but it is believed to be the Al-Shabaab militant group. Human rights defenders have been killed as well. The information about the Al-Shabaab and their whereabouts is highly restricted. Those that are accused of spying against Al-Shabaab have been killed, beheaded or executed. The Militant group continues to recruit both children and adults to join their illegal operations. This has restricted basic right of the Somali community.<sup>124</sup>

So much has to be done to ensure that the Somalia government improves the protection of its citizens and respect the citizens' rights and handle impunity. The citizens of Somalia continue to face human rights violation. The Al-Shabaab militaries continue to harass the citizens across the country while the Somalia government forces and the Al-Shabaab continue to attack the innocent citizens. People are killed unlawfully during the military operation to splash out the Al-Shabaab.<sup>125</sup> The government tries to rehabilitate children who were previously associated with the Al-Shabaab military. Despite their efforts, the Al-Shabaab still recruits the children to join their forces and use them as fighters. Many of them are held for a long period of time without being allowed to talk to

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<sup>123</sup>Expert, Independent, interview by Rachel Schiller. 2017. *Interactive Dialogue With The Independent Expert on Somalia* (September 27).

<sup>124</sup>Ghosh , Palash. *Somali Militants Al-Shabaab Forcibly Recruiting Children*. Newsweek Media Group, 2012.

<sup>125</sup>Ibid p.2

their relatives, lawyers and sometime being sentenced to harsh terms of Imprisonment by the Al-Shabaab Court.

Many circumstances have led to the displacement of the Somalia citizens. These circumstances include: draught, conflicts between clans, the fight between by the Al-Shabaab militants evicting citizens. Some lives in a very dangerous places where they face sexual harassment by the Al-Shabaab and sometimes even by the government military. The humanitarian organization and the government have adopted policies to help them to protect the citizens from the sexual harassment but strong and significant polices are still needed to ensure safe and fair prosecution to the offenders.<sup>126</sup>The Independent experts use their mandates to ensure that they promote the fair prosecution to the offenders of sexual harassment and all the children who were previously associated with the Al-Shabaab are rehabilitated. Somali's National Intelligence and Security Agency (NISA) and the Court which deals with terrorism crimes have flouted due process rights including the death penalty cases.

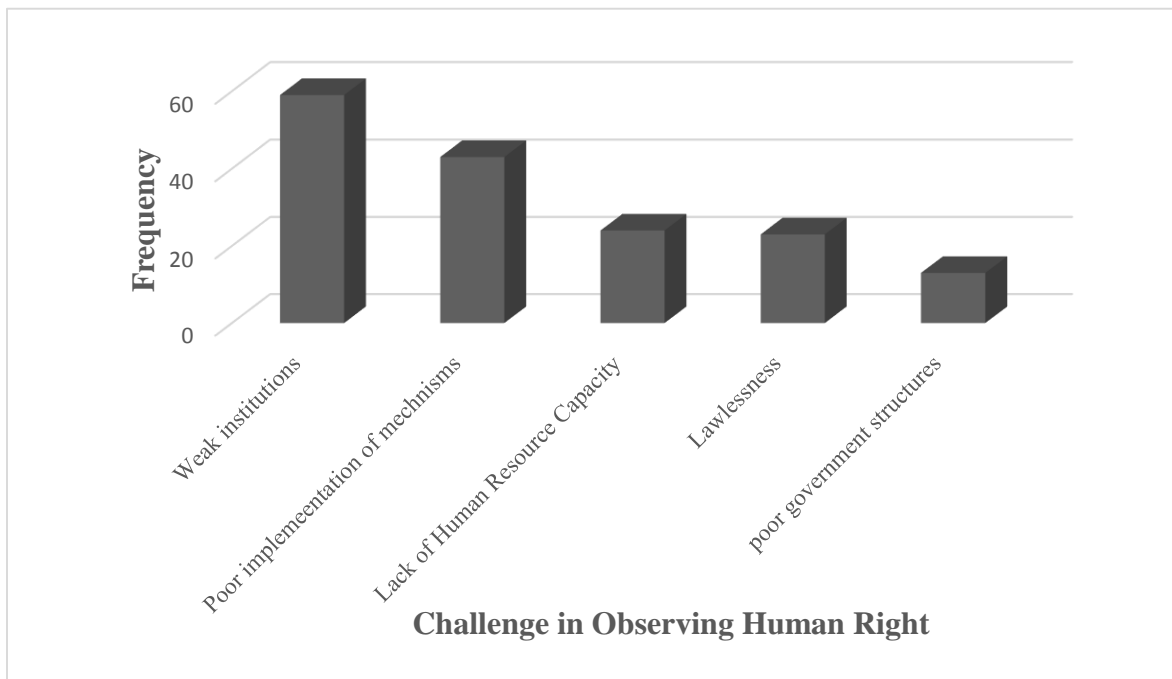
The government of Somalia and other international bodies has been prioritizing efforts to handle impunity through establishing the effective human rights mechanism, vetting and fair prosecution. Human Rights Activists encourage the OHCHR to ensure they handle and document all the serious international crimes and human right violation committed both the Somalia government and the Al-Shabaab during the conflict and they should recommend on which measures should be adopted to improve the human rights accountability.<sup>127</sup>

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<sup>126</sup>Ibid p. 3

<sup>127</sup>Ibid p. 4

The study revealed that there are mechanisms in place to guide in the observance of human rights in Somalia. Even with the mechanisms, human rights violation was on increase. This probed further inquiry in to what made it challenging to observe the human rights. There were challenges such as weak institutions, poor implementation of human rights mechanisms, poor governance structures, lawless less and lack of capacity. Other respondents revealed that they were not aware of the mechanisms and where they can report cases of human rights violation. The following were found out to be the challenging factors in observing human rights.



**Figure 7: Frequency of the Challenges that make it Difficult to Observe Human Rights in Somalia**

In Somalia, the institutions are very weak or totally not there. There are some areas where the police stations stopped operating due to attacks and threats by the Al-Shabaab. Other challenges explained were those associated with cultures. Some cultural

practices in Somalia do not really agree with the international standards. For instance, when someone has done the Somali community a favor, they are rewarded with a young girl. Such practices are retrogressive and at variance with the international standards.

Some of the conflict resolution mechanism in Somalia is also at Variance with what is internationally agreed at correcting human right measures. For instance, in case of human right incidences such as rape, murder or injuring someone, the criminal offence is treated as a burden or a responsibility of the clan from which the accomplice belongs to. The accomplice cannot be judged along but rather the clan will pay the damage.

#### **4.8 Conclusion**

The military has tried to adopt various strategies that will enhance their efforts towards supporting human rights while undertaking peace support operations. These strategies include: pre-deployment training of their personnel, having joint operations with other forces and civilians while executing their duties, building the capacity of their personnel amongst others Even with all the efforts and strategies adopted, the military has been faced with various challenges for their personnel to observe human rights while undertaking PSO. It is thus important to review the strategies and policies that they can harmoniously interact with the civilians and those found culprits convicted.

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Summary

This study sought to review the mechanisms / instruments on human rights in Somalia, to examine human rights violations in Somalia, to examine the strategies adopted in observing Human Rights in Somalia and to examine the challenges in observing human rights. The study set out one hypothesis that poor implementation of mechanisms for observance of human rights increases violation of human rights in Somalia. The hypothesis was proven positive.

This chapter revisits the key research questions, the hypotheses and the analytical framework of the study. It presents descriptive results of the mechanisms of human rights in Somalia, status of human rights in Somalia, challenges in observing human rights in Somalia and the strategies that should be adopted towards observing human rights in Somalia. The response rate was over 50%. Out of the 150 questionnaires submitted, 100 were filled. This is the least accepted sample with the nature of the population chosen. The level of accuracy was still considered to be high.

According to the study seven mechanisms were found to be in place in observing human rights in Somalia. The international community was the most popular mechanism followed by Non-governmental organizations, the Federal Government of Somalia, Religious leaders, UDHR, Clan Elders and Regional organizations (in that order). The study proved that human rights were highly violated in Somalia. The violation of human rights in Somalia led to trauma, loss of lives, loss of dignity, loss of livelihood, displacement and environmental degradation. Those involved in the violation of human

rights were Al-Shabaab, AMISOM, FGS, UN, War Lords, Local Leaders Business Men, Clan Elders and NGOs. However, there is need to review the policy guidelines and the consequences that one should suffer when they violate human rights.

## **5.2 Conclusions**

The study drew conclusions that there are already mechanisms of protecting human rights in Somalia, only they do not work efficiently due to various challenges. The study revealed that the mechanisms in place are the international community, the local and international NGOs operating in Somalia, the federal government of Somalia, religious leaders, clan elders and regional and non-regional organizations.

There are so many international mechanisms meant to stop and prevent the violation of human rights. The United Nations Security Council is one of them. It is actually the supreme instrument entitled with protecting human rights. They have however been criticized for not operating under the laws stated in the UDHR. They have failed to take deterrent measures like trade sanctions for those proved to have violated human rights. The abuse and violation of human rights have denied children the right to education, many people have been denied the rights to life, sexual violence and exploitation have denied women and girls the right to dignity. Abuse of human rights can cause War crimes, and hindered development in a country<sup>128</sup>. Violation of human rights has limited positive changes in the country subjected.

According to the study, the status of human rights observance in Somalia was bad. The violated rights were freedom of movement, environmental degradation, displacement, and freedom of expression, right to democracy, right to livelihood, right to

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<sup>128</sup>Puniyani, Ram. *Human Rights Violations Of Minorities: Effects And Repercussions*. Countercurrents.org, 2012.

life, right to dignity, sexual exploitation, child abuse, exile and torture. The Hypothesis that those who should observe the human rights are the ones abusing them was proved to be true.

The strategies that should be adopted in observing human rights in Somalia are building the capacity of the PSO personnel as well as that of the Somali community, offering pre-deployment training before sending security personnel on peace keeping mission, developing peace keeping guidelines, building and strengthening institutions where cases of human rights abuse can be reported and offering protection mechanisms to those that need to report cases of human rights abuse.

The military has tried to adopt various strategies that will enhance their efforts towards supporting human rights while undertaking peace support operations. These strategies include: pre-deployment training of their personnel, having joint operations with other forces and civilians while executing their duties, building the capacity of their personnel amongst others. Even with all the efforts and strategies adopted, the military has been faced with various challenges for their personnel to observe human rights while undertaking PSO. It is thus important to review the strategies and policies that they can harmoniously interact with the civilians and those found culprits convicted.

### **5.3 Recommendations of the Study**

The study made the following recommendations for consideration for all the stakeholders in observing human rights.

#### **5.3.1 Revising the existing human rights**

The existing mechanisms of human rights observance should be revised and with involvement of all stake holders tailor them to the prevailing situation and environment in Somalia and the world. This will ensure that the policies are well structured and justified so that those found culprit of violating human rights are brought to justice. No one should be left free when they have been found guilty. No one should run away with it.

#### **5.3.2 Adopting the Strategies for Observing Human rights**

Capacity building and other strategies revealed by the study should be adopted so that people are fully sensitized about human rights and dangers of violating them. In Somalia, a good percentage of the locals are not aware of their human rights. The situation is direr because of the lawlessness in a state that is fallen and has no constitution. Thus all stakeholders should organize campaigns, meetings and trainings to ensure that the Somali community is fully sensitized. offering pre-deployment training before sending security personnel on peace keeping mission, developing peace keeping guidelines, building and strengthening institutions where cases of human rights abuse can be reported and offering protection mechanisms to those that need to report cases of human rights abuse.



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## Appendices

### Appendix 1: Research Permit

**THIS IS TO CERTIFY THAT:  
MS. LYDIA MUTENDE WANYOTO  
of NATIONAL DEFENCE COLLEGE,  
24381-502 Nairobi, has been permitted  
to conduct research in All Counties**

**Permit No : NACOSTI/P/18/40622/21546  
Date Of Issue : 23rd February,2018  
Fee Received :Ksh 1000**

**on the topic: OBSERVING HUMAN  
RIGHTS AND PEACE SUPPORT  
OPERATIONS IN AFRICA: THE CASE OF  
AFRICAN UNION MISSION (AMISOM) IN  
SOMALIA.**

**for the period ending:  
23rd February,2019**

.....  
**Applicant's  
Signature**



**J.P. Kalewa**

.....  
**Director General  
National Commission for Science,  
Technology & Innovation**

### CONDITIONS

1. The License is valid for the proposed research, research site specified period.
2. Both the Licence and any rights thereunder are non-transferable.
3. Upon request of the Commission, the Licensee shall submit a progress report.
4. The Licensee shall report to the County Director of Education and County Governor in the area of research before commencement of the research.
5. Excavation, filming and collection of specimens are subject to further permissions from relevant Government agencies.
6. This Licence does not give authority to transfer research materials.
7. The Licensee shall submit two (2) hard copies and upload a soft copy of their final report.
8. The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.



REPUBLIC OF KENYA



National Commission for Science,  
Technology and Innovation

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CONDITIONS: see back page





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Ref. No: **NACOSTI/P/18/40622/21546**

Date: **23<sup>rd</sup> February, 2018**

Lydia Mutende Wanyoto  
National Defence College  
P.O. Box 24381-00502  
**NAIROBI.**

**RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on *“Observing human rights and peace support operations in Africa: The case of African Union Mission (Amisom) in Somalia,”* I am pleased to inform you that you have been authorized to undertake research in **all Counties** for the period ending **23<sup>rd</sup> February, 2019.**

You are advised to report to **the County Commissioners and the County Directors of Education, all Counties** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

*G.P. Kalerwa*

**GODFREY P. KALERWA MSc., MBA, MKIM  
FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The County Commissioners  
All Counties.

The County Directors of Education  
All Counties.

*National Commission for Science, Technology and Innovation is ISO9001:2008 Certified*

## Appendix 2: Research Questionnaire

### OBSERVING HUMAN RIGHTS AND PEACE SUPPORT OPERATIONS IN AFRICA: THE CASE OF AFRICAN UNION MISSION (AMISOM) IN SOMALIA.

Questionnaire Number.....

Enumerator:.....

#### Questionnaire

I am Lydia Wanyoto studying at the UON. I am conducting research in partial fulfilment of the requirement of MA in International Relations and Diplomacy. This research is an appraisal of the status of human rights observance in the armed conflicts of Somalia since 2007 up to 2017.

Kindly, answer the questions below to the best of your ability. Your response shall be treated with utmost confidentiality. You are free not to answer any of the questions that you are not comfortable with. Thank you in advance.

#### Section 1: Background information

1. Your Gender  
Male  Female
2. Your Age  
21-30  31-40  41-50   
51-60  61-70  71-80
3. Your Education Level  
Primary  Secondary  University  No Formal education   
others
4. Occupation/what is your connection with Somalia?  
I work with Amisom   
I work International NGO based in Somalia   
I work with a Local NGO in Somalia   
I work with the UN   
I work with FGS   
I am a Local leader in Somalia   
I am a Local in Somalia

#### Section 2: Human rights violation in the armed conflicts of Somalia

1. Have any of your Human rights been violated?  
Yes  No
2. Have you witnessed human rights being violated in Somalia?  
Yes  No
3. If your answer is yes to question 1 and 2 above, proceed with this question.  
Which of your human rights has been violated?
  - a. Right to dignity
  - b. Right to life
  - c. Sexual exploitation
  - d. Child abuse
  - e. Exile
  - f. Torture
  - g. No freedom of movement

- h. No freedom of expression
  - i. No right to democracy
  - j. Environmental degradation
  - k. Displacement (internal displacement)
  - l. Right to livelihood
  - m. Others
4. Who among the following has violated the above human rights?
- a. Al-Shabaab
  - b. AMISOM
  - c. FGS
  - d. UN
  - e. War lords
  - f. Local leaders
  - g. Business men
  - h. Clan elders
  - i. NGOs based in Somalia
  - j. Others

5. Rate the following in terms of their degree of perpetuating Human rights abuse in Somalia

	Very large	Large	Neither	Small	Very small
Al-Shabaab	✓				
AMISOM		✓			
FGS	✓				
War loads		✓			
Politicians		✓			
Businessmen		✓			
Clan elders				✓	
NGOs				✓	
Others					

**Section C: mechanisms in Place to support human rights in Somalia**

1. Do you think that there are mechanisms in place to support human rights in Somalia?  
 Yes  No
2. If yes, which ones?
  - a. FGS
  - b. UDHR
  - c. UN
  - d. Religious leaders
  - e. Clan elders’/community leaders

- f. NCOs
  - g. Regional and sub-regional organizations
  - h. Any others.
3. What do you think makes it challenging to observe human rights in Somalia?
- a. Weak institutions
  - b. poor implementation
  - c. lawlessness
  - d. lack of government structures due to conflicts
  - e. Lack of Human resource capacity
  - f. Mention any others
4. What do you think the international community can do to assist in resolving human rights violation in the armed conflicts of Somalia?
- a. Capacity building
  - b. enhanced pre-deployment and in mission training of AMISOM and the local forces
  - c. Joint operations
  - d. Building institutions where people can report
  - e. Introducing protection mechanisms for those reporting abuses
  - f. Mention any other

**Section E: Effects of Violating Human rights**

1. What do you think are the effects of violating human rights for the Somali community?
- a. Loss of lives
  - b. loss of dignity
  - c. traumatized
  - d. loss of livelihood
  - e. Displacement
  - f. Environmental degradation
  - g. mention any other

*Thank you for taking the time to answer these questions. I would like to reiterate that all your answers will be kept confidential*